

ABSTRACT

Title of dissertation: HOW L2 LEGAL WRITERS USE STRATEGIES FOR
 SCHOLARLY WRITING: A MIXED METHODS STUDY

Donna Bain Butler, Doctor of Philosophy, 2010

Dissertation directed by: Professor Rebecca L. Oxford
 Department of Curriculum and Instruction
 Second Language Education and Culture

This dissertation research fills existing gaps regarding the practices and processes of teaching second language (L2) writers at higher ranges of proficiency in law school context. It is a mixed methods, longitudinal, descriptive, writer-centered study. The research purpose was to explore strategic competence as a catalyst for professional proficiency in the scholarly (academic) writing of international Master of Laws (LL.M.) students who need to show analytical thinking and communicative precision in their research papers and law review articles. The theoretical framework views scholarly writing in a second language as developmental learning in two domains, language and law, and as socialized cultural practice.

The study showed how scholarly legal writing was both a cognitive and a social-cultural process for participants (N=6) as they shifted from the writer-centered activity of drafting to the reader-centered activity of revising and constructing knowledge. A triangulated, multi-stage design was used to collect the quantitative and qualitative data at recursive stages of writing (that is, pre-writing, drafting, and revising). The instruments

developed for collecting the data raised strategy awareness for participants in the study and can be used for teaching. The research contributes to our knowledge of scholarly writing in the professions, helps us understand challenges and strategies for L2 writers in graduate programs, provides a useful way to conduct a mixed-methods writing study, reveals the interface between L2 and L1 academic legal discourse, and offers tested tools for developing professional-level competence in academic writers.

The study bridges the L1 research and L2 research literature by exploring how superior language learners used research-based strategies to build on their existing competences for professional-level research writing. This highly contextualized, learner-centered research contributes to several related fields by addressing L2 issues associated with plagiarism, the native-speaker standard, learner self-assessment and self-editing—all of which are issues of cross-cultural literacy. The following six fields are involved in and affected by this study: Applied Linguistics, Content-Based English Teaching, Composition Pedagogy, International Legal Education, Teaching English for Specific Legal Purposes, and Professional Development.

HOW L2 LEGAL WRITERS USE STRATEGIES FOR SCHOLARLY WRITING:
A MIXED METHODS STUDY

by

Donna Bain Butler

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Advisory Committee:

Dr. Rebecca Oxford, Professor and Committee Chair
Dr. Pat Alexander, Professor and Dean's Representative
Dr. Steve Koziol, Professor
Dr. Denis Sullivan, Professor
Dr. Roberta Lavine, Associate Professor

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CHAPTER 1: INTRODUCTION

Current understanding of English in academic legal contexts is very limited (Feak, Reinhart, & Sinsheimer, 2000). Little empirical research has been conducted in academic legal writing for native English speakers or in academic legal English for non-native speakers (Feak & Reinhart, 1996). Little has changed since Harris (1992) pointed out that American law schools have remained on the margins of English for Academic Purposes (EAP) work in universities. Feak et al. (2000) observe that "the typical EAP writing course for graduate students will not likely provide specific instruction in the types of writing skills necessary for law school" (p. 214). Lack of support may hold also for (a) university writing centers that shy away from working with graduate students' academic legal discourse, possibly because of the close relation between academic legal English and academic legal writing; or (b) law school writing programs that may assume a "difference-as-deficit" (Canagarajah, 2002) position for non-native English speaking graduate student writers in relation to native English speaking graduate student writers.

This dissertation research fills the "need for further investigations of academic legal writing and the development of materials" (Feak et al., 2000, p. 214). English is not the native language for the lawyers participating in this study; all have a need for developing professional ability and knowledge of English in legal context for work as international lawyers in a global era. Further, some need to publish their legal research in English language publications to effect change as human rights lawyers and scholars.

This chapter identifies the research problem, purpose, and significance of the study. The research questions, key definitions, delimitations, limitations, and background follow, with an overview of the theoretical framework and research design.

Research Problem

The research problem is how second language (L2) legal research writers develop knowledge of academic legal English to show competence or expertise in scholarly (academic) writing when (a) the legal writing literature offers no textbook or little research on the academic legal genres (for example, the seminar paper) that a graduate student may be called upon to produce during his or her law school education (Feak et al., 2000); and (b) the fields of English composition and second language writing offer no textbook or little research on L2 graduate student writers developing at advanced or professional levels of writing proficiency. Like first language academic legal writers, L2 academic legal writers want a professional voice and need "high communicative precision" to successfully participate in the specialized academic communication in their field (Engberg, 2009). Professional voice and high communicative precision provide rationale for this study of strategic competence, a key component of communicative competence (Canale & Swain, 1980) for culturally and linguistically diverse lawyers in an international legal studies Master of Laws (LL.M.) program.

Cross-Disciplinary Research

Researchers in both English composition studies and second language studies "have come to recognize the complexity and multidisciplinary nature of second-language writing research and teaching" (Matsuda, 2006, p. 23). Most researchers acknowledge that writing, as learner output, plays a part in second language acquisition (Ellis, 2005) "essentially described as 'more' and 'better' incorporation of various separate attributes that make up language performance" (Byrnes, 2002, p. 37). Learner output in writing, for

example, obliges learner (a) attention to grammar, (b) development of discourse skills, and (c) development of professional voice in learners' chosen area of study and expertise (Skehan, 1998; Swain, 1995). The concept of output can be seen as part of the *process* of second language learning, not simply the product of it, according to Swain (2005).

Hyland (2003), borrowing from Canale and Swain's (1980) framework that established the "communicative turn in US L2 education" (Byrnes, 2002, p. 37), states that L2 learners need at least grammatical competence, discourse competence, sociolinguistic competence, and strategic competence to write successfully in English. Leaver and Shekhtman (2002) agree that the communicative competence framework sheds "light on the varying needs of students as they progress from Novice to Distinguished levels of proficiency" (p. 10). Hyland (2003) points out that

when we add to this the fact that in the classroom writers may be asked for their opinions and ideas and to draft and edit their work, we begin to realize some of the challenges for students in achieving native-like proficiency. (p. 32)

The L2 literature "offers a dearth of extensive discussion of, and explicit guidelines for, the practices and processes of *teaching* L2 writing" (Hedgcock, 2005, p. 609), especially at the graduate level within domain-specific and genre-specific context. Such discussion addresses problems for L2 graduate student writers and professors in culturally diverse classrooms traditionally associated with the native-speaker standard, learner assessment, editing, and plagiarism—an issue of cross-cultural literacy.

Most Problematic Dilemma

Casanave (2004) contends that the most problematic dilemma in L2 writing pedagogy is knowing how to characterize and facilitate improvement in students' writing.

Such knowledge is important because domain learning at the graduate level implies the difficult and potentially misunderstood practice of learner summative assessment¹ through the scholarly (academic) legal research paper—a cultural product valued for its originality and proper attribution of legal sources (Ramsfield, 2005). "The writing of research or seminar papers is an important part of an LL.M. program" (Feak et al., 2000), an activity described by Kissam (1990, p. 349) as a "new and perplexing experience" even for some native English speakers in law school. Arnold (1995) points out that law students are not a homogenous group; they arrive in law school with varying levels of writing experience and competence. For this reason, he says, the process approach is important to legal writing instruction (Arnold, 1995).

Traditional Product Approach

At issue for first language (L1) and L2 international student writers entering an LL.M. program in the United States may be the traditional approach where the professor's primary input is on evaluating the student's final product. "The traditional approach too often isolates writing skills from substantive thought by treating writing as separate from thinking and analyzing the law" (Durako, Stanchi, Edelman, Amdur, Brown, & Connelly, 1997, p. 2). If the traditional (product) approach is problematic for legal domain writers, then part of the solution may be deeper process-oriented pedagogies "increasingly pervasive in the North American educational milieu, including ESL² settings" but not widespread in EFL³ environments where international students originate (Hedgcock, 2005, p. 604). Deeper process-oriented pedagogies that do not (a) overemphasize the

¹ Summative assessment takes place after students have completed a unit of instruction, a course, or, even a program to determine the students' skill or concept mastery, usually for the purpose of assigning grades or for making conclusions about competency, like law school exams. (University of Denver, 2009)

² English as a Second Language (ESL)

³ English as a Foreign Language (EFL)

cognitive nature of writing, as Swales (1990) suggests, or (b) ignore the social nature of writing and the role of language and text structure in effective written communication (Hyland, 2003) are called for.

Process Oriented, Learner-Centered Approach

Process-oriented, learner-centered pedagogies are "deeper" because they help move learners from lower to higher level thinking skills that include analysis, synthesis, and evaluation of research for scholarly writing. Knowledge of the scholarly writing process, combined with explicit writing strategies' instruction in legal domain (authentic) context, may advance L2 writing proficiency, academic literacy, and knowledge construction in academic research writing: a vehicle for foreign-trained lawyers in a U.S. Master of Laws program to (a) acquire knowledge and (b) contribute knowledge to their field (e.g., Human Rights Law).

Advancing Proficiency

As in other kinds of expository writing, advancing proficiency (competence, expertise) in scholarly L2 legal writing represents "an ability scale" that integrates knowledge, skills, strategies, and cultural awareness (Degueldre & Lyman-Hager, 2005, p. 142). Skills and strategies associated with the process of scholarly legal writing in this dissertation study are viewed as (a) cognitive tools for learning in the pre-writing and drafting stages of writing, and (b) social-cultural tools for communicating to the law-school educated reader in the revising stage of writing based on a model of scholarly writing by Fajans and Falk (2005). The ability scale characterizing proficiency and written language use in this dissertation was developed by an organization of federal agencies known as the Interagency Language Roundtable (ILR).

Purpose Statement

The narrow *research purpose* of this study is to disclose the dynamic, changing nature of (learner-internal and learner-external) variables that influence strategic competence at the level of professional (or higher) writing proficiency at each recursive stage of scholarly writing (that is, pre-writing, drafting, and revising). This dissertation research also had a broad *pedagogical purpose*: that is, the development of practical, adaptable, research-based tools for guiding learners' processes of writing a research paper or scholarly article to produce publishable quality text.

Significance of the Study

This study contributes knowledge, understanding, methodology, and research-based tools for developing L2 graduate student writers: that is, scholarly L2 legal writers in international legal studies and human rights law. This is a learner-centered study with a focus on the writer, not the writing. Tools for researching strategic competence in this longitudinal study explore writers' strategies and skills for effective scholarly legal writing and instruction. They are practical tools for self-regulating and assessing academic legal writing at each stage of the scholarly writing process. The tools are firmly grounded in the research literature and provide guidelines for enhancing student writer performance in domain-specific and genre-specific context.

Importance of the Research

Exploring L2 learners' writing strategies and cognitive academic language

proficiency (CALP) skills for effective writing in academic domain⁴ context, beyond basic and freshman English composition, is necessary because of the expansion of L2 instruction to academic and content-area literacy in schools (Connor, 1996), in U.S. colleges and university law schools, and in research universities around the world offering advanced academic writing courses for L2 doctoral students and faculty (Swales & Feak, 2000). English as a "lingua franca" is impacting Europe in professional and academic communications, according to the International Research Foundation (2009).

The lack of knowledge about how to develop high levels of proficiency in foreign languages has been seen as a deficit in the United States, and "experience in teaching at/to Level 3 (Superior) and Level 4 (Distinguished) language proficiency is rare" (<http://www.distinguishedlanguagecenters.org>). "Our concerns have been delimited by beginning and intermediate levels of learning rather than advanced literacies," contends Byrnes (2005, p. 291). Hu (2009, p. 630) claims that

as the number of international graduate students has risen rapidly and their academic problems have become more pronounced, researchers have noticed the need to study advanced levels of disciplinary literacy, particularly in graduate schools (Huxur, Mansfield, Nnazor, Schuetze & Segawa, 1996; Prior, 1991; Swales, 1990).

Filling a Gap

This dissertation research fills a gap in the L1 legal writing and the L2 writing literature by exploring writing strategies and CALP skills in legal domain context to advance L2 language and literacy abilities at the level of professional (or higher) writing

⁴ *Academic domains* are defined as "recognized fields of study and the knowledge and experience central to those fields" (Alexander, 2006, p. 118).

proficiency. The demands and expectations of graduate level research writing in the U.S. and Canada encourage us to question the value of TOEFL⁵ as a high-stakes test of English as a foreign language for university law schools and international students who need to write from sources, EFL and ESL time spent teaching to the TOEFL test, and "the still prevalent focus on decontextualized features of the language" (Byrnes, 2005, p. 291).

Not until the late 1970s and the 1980s did composition teachers and writing researchers even consider factors beyond the properties of the texts themselves (Matsuda, 2006). Now, by considering factors for strategic competence for effective communication in L2 legal writing at the level of professional proficiency (or higher) in a mixed methods, longitudinal study, this highly contextualized writing strategies research contributes to six related fields: Applied Linguistics, Content-Based (Legal) English Teaching, English Composition, International (Legal) Education, Teaching English for (Academic and Specific) Legal Purposes, and Professional Development.

Meaningful Results

This study is important from more than one educational researcher point of view also (Glatthorn, 1998). First, meaningful results are of value to both L1 legal writing and L2 writing practitioners. Second, the general problem of bilingualism and plurilingualism impacting global business, industry, human rights, and higher education in the U.S. has intrinsic importance, affecting other L2 English professionals and other L2 scholarly writers. Third, the L2 population and the setting are sufficiently unique that the study may advance knowledge in teaching English to speakers of other languages (TESOL). Fourth, the mixed methods approach, not widely used in writing research,

⁵ Test of English as a Foreign Language (TOEFL)

yields some useful methodological findings.

Research Questions

Four research questions guided this study. The questions are related to the study's research purpose: that is, to disclose the dynamic, changing nature of factors that influence strategic competence at the level of professional (or higher) writing proficiency for learners engaged in the process of scholarly legal writing.

Research Question 1

For each stage of the scholarly L2 legal writing process, what are the learners' reported use of writing strategies and cognitive academic language proficiency (CALP) skills?

Research Question 2

For each stage of the scholarly L2 legal writing process, which writing strategies and CALP skills do the learners think are the most useful and why?

Research Question 3

For each stage of the scholarly L2 legal writing process, what are the learners' and teacher quality ratings of the learners' scholarly L2 writing product?

Research Question 4

For each stage of the scholarly L2 legal writing process, what interrelationships can be seen among (a) learners' writing strategies and cognitive academic language proficiency (CALP) skills, and (b) learners' and teacher quality ratings of the learners' scholarly L2

writing product?

Key Definitions

1. CALP: Acronym coined by Cummins (1979) that means cognitive academic language proficiency. It refers to skills in formal academic language learning (contrasted with informal social language learning). These include skills in listening, speaking, reading, and writing about content-area material in academic situations where students are expected to use English as a tool for learning (Cummins, 1981, 2000, 2001, 2003). Problems arise in law school context when professors and administrators assume that students are proficient in second language (L2) academic writing when they demonstrate good social English orally or have met university requirements for TOEFL, the test of English as a foreign language.
2. CALP SKILLS: Defined in this study as academic language skills for processing L2 academic English and L2 legal English relevant to content knowledge (Kieffer, Lesaux, Rivera, & Francis, 2009). CALP skills in this study are central to the legal research writing task: that is, analyzing, paraphrasing, summarizing, and synthesizing from printed legal sources. The term incorporates higher-order thinking, L2 legal and L2 academic language use, and L2 research writing at the level of professional (or higher) writing proficiency.
3. COMPOSING: Combining of structural sentence units into a unique, cohesive, and coherent language structure, as in academic writing, for (a) telling and retelling what is already known to the author (e.g., narratives and descriptions), or (b) transforming (e.g., expository and argumentative/persuasive texts) through which an information-

transfer problem is solved both for the reader and for his or her intended audience (Grabe & Kaplan, 1996; Bereiter & Scardamalia, 1987).

4. DISCOURSE: Language produced as an act of communication. This language use implies the constraints and choices which operate on writers/speakers in particular contexts and reflects their purposes, intentions, ideas, and relationships with readers/hearers (Hyland, 2006).
5. DISCOURSE COMMUNITY: A term, according to Swales (1990b)⁶, that has its roots in the sociolinguistic concept of "speech community": that is, a community that shares similar norms of speech (written and oral) and cultural concepts.
6. DRAFTING: "The stage of the writing process when ideas are expressed in connected sentences and paragraphs" (Fowler & Aaron, 2001, p. 951).
7. EAP: Acronym for English for Academic Purposes: for example, scholarly legal writing which is intentional, reasoned, and oriented to problem-solving in a second, third, or fourth academic language.
8. EDITING: "A distinct step in revising a written work, focusing on clarity, tone, and correctness. Compare *revising*" (Fowler & Aaron, 2001, p. 951).
9. EFL: Acronym for English as a foreign language. A foreign language is typically a subject studied at school or university rather than a communication tool.
10. ESL: Acronym for English as a second language. A second language is a means of communication learned in a community where the language serves daily social and communicative functions for the majority of people in that community. This term can be pejorative in law school context because of its association with remedial learning

⁶ Swales (1990b) was among the first to study the initiation and socialization processes that international graduate students go through to become literate professionals in their discourse communities. Other relevant L2 case study research includes Prior (1995), Belcher (1994), and Casanave (1995).

or remediation.

11. ESP: Acronym for English for Specific Purposes: for example, legal English that crosses cultures and educational systems.
12. GENRE: Broadly, a way of using discourse. The term usually refers to a set of texts that share the same socially recognized purpose and which, as a result, often share similar rhetorical and structural elements to achieve this purpose (Hyland, 2006). Explicitly teaching genre conventions helps student attain some level of participation in the academic legal discourse community (Feak et al., 2000).
13. KNOWLEDGE-TELLING: Based on Bereiter and Scardamalia (1987), a less-skilled process approach to writing that is more concerned with generating content than planning and revising (Hyland, 2003).
14. KNOWLEDGE-TRANSFORMING: Based on Bereiter and Scardamalia (1987), a more-skilled process approach to writing that includes problem-solving, analysis, reflection, and goal-setting "to actively rework thoughts to change both...text and ideas" (Hyland, 2003, p. 12).
15. L1: Acronym for a person's first or native language.
16. L2: This acronym has been used to refer to any additional language (second, third, fourth, or higher) learned beyond the L1, whether this occurs in a *foreign language context*, in which English is not the medium of daily communication, or a *second language context*, in which the language being learned is the commonly spoken language (Oxford, 2007, p. 2).
17. L2 WRITERS: Acronym for individuals who are literate in their first language(s) and who learn to write an additional language.

18. **LEARNING STRATEGIES:** Broad, goal-directed, self-regulated actions that learners chose from among alternatives and employ, with some degree of consciousness, for their own purposes (for example, to improve L2 learning, complete L2 tasks, and/or take greater responsibility for and control over learning) in specific sociocultural settings (Oxford, forthcoming).
19. **LITERACY:** Ability to encode and decode discourse, not just the ability to manipulate grammatical rules and vocabulary: in other words, the essence of academic education (Grabe & Kaplan, 1996).
20. **NATIVE SPEAKER:** Traditionally, a person who has proficiency in and intuition about a language by virtue of having acquired a language in infancy. Now very much a challenged and contested term owing to widely varying positions of bilingualism (Hyland, 2006) and the idea of the L2 legal writer as social actor, as in the European Economic Community (EEC).
21. **PRE-WRITING:** (developing, planning) "The stage of the writing process when one finds a topic, explores ideas, gathers information, focuses on a central theme, and organizes material" (Fowler & Aaron, 2001, p. 950).
22. **PROCESS APPROACH:** A teaching approach to writing which emphasizes the development of good practices by stressing that writing is done in stages of planning, drafting, revising and editing which are recursive, interactive, and potentially simultaneous (Hyland, 2006). "The process orientation also implies a strong concern for the learner's strategies for gaining language skills" (Oxford, 1990, p. 5).
23. **REVISING:** "The stage of the writing process in which one considers and improves the meaning and underlying structure of a draft" (Fowler & Aaron, 2001, p. 963).

24. **STRATEGIC COMPETENCE:** Generally, the way in which a writer, when faced with a communicative problem, improvises his or her way to a solution using a "variety of communicative strategies" appropriately (Hyland, 2003, p. 32). Specifically, knowing how to (a) recognize and meet discourse community expectations, (b) work around gaps in one's knowledge of the academic language, (c) consider the academic language in the disciplinary context (adapted from the NCLRC 2003/Grice), and (d) consider the interplay between the social and cognitive dimensions of writing (Manchón et al., 2007) to show both communicative competence and domain learning in scholarly writing.
25. **STRATEGIES INSTRUCTION:** The teaching of strategies in at least three different ways: TYPE 1, Blind (embedded); TYPE 2, Awareness-only; TYPE 3 Explicit (Oxford, forthcoming).
26. **WRITING STRATEGIES:** Actions or activities consciously chosen by learners from among language, literacy, and culture alternatives for the purpose of regulating their own writing in a specific sociocultural setting (adapted from Griffiths, 2008 and Oxford, forthcoming).
27. **WRITING SKILLS:** Actions that learners may use unconsciously to improve their writing that are acquired or learned, as opposed to abilities which L2 learners may think innate.

Delimitations

The scope of this longitudinal study focuses on strategic competence as a critical factor in scholarly L2 legal writer development at the level of professional (or higher) writing proficiency delimited to six (N=6) student participants in one Northeastern U.S. law school's academic legal writing course taught by an ESP/EAP practitioner-researcher.

Limitations

Three limitations apply to this study. First, the small *sample size* constitutes a limitation because six is a small number for mixed methods and does not allow for generalizations for the field. Second, any type of *self-report* is subject to the limitations of the individual reporting, even if (a) the actual-task questionnaire is filled out immediately after the task is completed, as in this study; and (b) the respondents do not have to rely solely on the information stored in memory to respond to the questionnaire items, as in this study. Third, the use of an *actual-task questionnaire* constitutes a limitation in the sense that the legal research paper writing task was not standardized. Participants wrote research papers for different law school professors, and results cannot be compared to other studies (Oxford, 2008; Chamot, 2004). A standardized questionnaire, one in which every respondent gets the same set of questions in the same order, was the case in this study, however.

Background of the Study

This study views scholarly L2 legal writing as developmental learning in two domains—language and law—and as socialized cultural practice. Learning denotes

gaining knowledge, understanding, or skill by study, instruction, or experience.⁷ "All knowledge, especially but not exclusively linguistic knowledge, is the result of learners' interaction with their social context, and acquisition is both social and cognitive" (Sanz, 2005, p. 4). Second-language graduate students and foreign-trained professionals opting to study in the U.S., therefore, may seek assistance in writing research papers and articles and find that surface-level editing by native English speakers is insufficient. Students studying in a second legal culture may also need understanding in how academic texts are shaped by topic, audience, purpose, and cultural norms (Hyland, 2003; 2002). Knowledge itself is constructed in varying discourse patterns (Byrnes, 2005) that vary from language to language and from culture to culture (Oates & Enquist, 2005). The process of knowledge construction and presentation in academic legal discourse may need to be taught or made explicit.

Knowledge, understanding, and skills acquisition in L2 legal writing translates into social, cultural, and economic "capital"⁸ for foreign-trained lawyers through assisted performance, opening the possibility for international publication in English language law journals. Explicit strategies instruction puts emphasis on learning contrastive approaches to writing, filling gaps in knowledge and experience, building on background knowledge, developing academic language and legal discourse, and providing cognitive tools necessary for "bilingual literacy" in L2 legal learners (Pray & Jiménez, 2009a, 2009b). Strategies "support students' ability to leverage their first [academic legal] language to develop understandings of their second [academic legal] language" in writing, efficiently and effectively (Pray & Jiménez, 2009b, p. 384).

⁷ Merriam Webster Online Dictionary <http://www.merriam-webster.com/dictionary/learning>

⁸ Bourdieu, P. (2001). The forms of capital. In M. Granovetter & R. Swedberg (Eds.), *The sociology of economic life* (pp. 96-111). Boulder, Co: Westview Press.

Overview of the Theoretical Framework

Alluded to earlier, the study's theoretical framework views scholarly writing in a second language as developmental learning in two domains, language and law, and as socialized cultural practice. The framework borrows from three primary sources: (a) Alexander's (1997, 2003) Model of Domain Learning (MDL) which links knowledge, motivation, and strategies across three stages of increasing expertise; (b) Canale and Swain's (1980) discussion of communicative competence with a focus on the changing nature of strategic competence as a critical factor for writing and developing professional-level language proficiency (Leaver & Shekhtman, 2002); and (c) Vygotsky's (1978) dialogic model of teaching and learning in which the learner interacts with a more "more competent other" at each stage (pre-writing, drafting, revising) of the scholarly writing process to produce quality text at the level of professional (or higher) writing proficiency.

Overview of the Research Design

This is a descriptive, mixed methods, longitudinal study within the context of an academic legal writing intervention (fall 2008) through which student participants had the opportunity for reflection and feedback while writing. This dissertation research assumes a *pragmatist* (real-world practice oriented) view which allows for the mixing of both quantitative and qualitative research strategies (Creswell & Plano Clark, 2007). Through the mixed-methods approach, the study explores key variables that influence strategic competence at the level of professional (or higher) writing proficiency in the scholarly writing of six Master of Laws (LL.M.) students in a U.S. international legal studies program. Although six is a small number of participants for a mixed methods study, it is

not a small number for a disciplinary writing study.

A mixed methods, concurrent triangulation, multi-stage design was used. This is a type of mixed methods design in which different but complementary data were collected at the same time on the same research topic: that is, strategies and skills actually used and reported helpful by participants to show competence in scholarly legal writing. This design allows "triangulation" in which quantitative and qualitative methods were implemented during the same time frame and with equal weight in stages corresponding to recursive processes of writing (that is, pre-writing, drafting, and revising).

Overview of the Dissertation Chapters

Chapter 1 presented the research problem, the research purpose, and the significance of the study. Four research questions followed, with key definitions, delimitations, limitations, and essential background to set the scene for the study. The introductory chapter ended with a brief overview of the theoretical framework and the research design.

Chapter 2 is the literature review organized into two parts. Part I informs the study and creates a focus, conceptual framework, design, and justification for the study. Part II bridges the Literature Review (Chapter 2) with the Methodology (Chapter 3) by revealing how the written questionnaire exploring strategic competence is research-based.

Chapter 3 details the study's methodology: (a) the research design and its justification; (b) the research participants and their educational setting; (c) the research instruments, and (d) the procedures for data collection and data analysis. This chapter guides the implementation of the research plan for the dissertation.

Chapter 4 reports the results of the quantitative data analysis, and Chapter 5 reports the results of the qualitative data analysis.

In Chapter 5, a comprehensive, detailed view of how participants went about their academic legal research writing task is given.

Chapter 6, the final chapter, begins with a brief review of the research results leading to a discussion of the major synthesized research findings. This chapter also presents implications for future research and instruction. A final conclusion is given.

CHAPTER 2: LITERATURE REVIEW

This review of research and theory is organized into two parts. Part I informs the dissertation study and creates a focus, conceptual framework, design, and justification for the study (Maxwell, 2006). It draws from more than one research tradition to help advance proficiency, competence, or expertise in scholarly L2 legal writing by presenting relevant findings and theory linking language, law, and literacy. Relevance rather than (the traditional view of) comprehensiveness characterizes the review (Maxwell, 2006). Part II bridges the Literature Review (Chapter 2) with the Methodology (Chapter 3) by showing how the data collection instruments developed for this study were research-based.

PART I

The first part of the Literature Review comprises three sections that establish (a) legal writing as an undeveloped research area, (b) the underlying dynamic structure of the study, and (c) the conceptual frame for the study.

Part I (a)

Legal Writing as an Undeveloped Research Area

This first section of Part I presents (a) the need for L2 legal writing research; (b) the law school as an underrepresented site of L2 legal and scholarly writing research; (c) the professional school as an insider L1 domain; (d) the L2 English context for student participants, including writing from legal sources and the need for writing support; and (e) scholarly writing as one of two major genres of legal writing.

Why L2 Legal Writing Research Is Needed

In their discussion of rhetorical preferences in expository legal writing, Oates and Enquist (2005) claim "most ESL law students report that their foreign language classes concentrated only on vocabulary and sentence grammar; they stopped short of addressing the larger cultural issues that affect the overall approach to writing" (p. 311)—a socio-cultural gap dealt with through strategies and skills instruction in this L2 writing research. From a legal writing perspective, Ramsfield (1997) writes that:

ESL has always relied on studies done with (L1) native speakers. ...Influential in developing strategies for teaching post-secondary ESL students were L1 writing and composition studies, which moved classrooms away from a formal, product-oriented model of teaching analysis and writing to a process view, which focused on the person's thinking and composing behaviors. Those studies then led to a social view of teaching analysis in composition, which defines writing as a context-based, social act. For international students, these views meant more than the study of English usage. Instead, their success as communicators in the U.S. setting depended on their understanding of U.S. intellectual context, culture, tradition, language, norms, and models of reasoning, or analytical paradigms. They were initially left to their own methods of inferring and understanding, but these make-do methods were not effective (Ramsfield, 1997, p. 160).

Paradigm Shift

Part of the paradigm shift in the teaching and learning of writing in North America is that writing "is not considered a solitary act; it involves teachers, peers, and other readers" who contribute socially to the construction of meaning in text at different stages of the

writing process (Connor, 1996, p. 168). The emphasis, then, is not on the product but on the learner and the process. Many L2 law students come from a civil law system where “the differences between common law and civil law are not so much ones of substance as ones of method” (Abernathy, 1995, p. 19). Further, second language (“ESL” law) “students are acquiring the language of the law at the same time that they are acquiring knowledge of the basic legal concepts of American law” (Lee, Hall & Hurley, 1999, p. 1). Ramsfield (2005) maintains that

English for Legal Purposes [ELP] is not regular English, so international students who have performed well on the Test of English as a Foreign Language (TOEFL) may still encounter difficulties when studying ELP, just as native speakers of English often struggle when studying it. (p. 7)

These difficulties are often a matter of degree, and “not all second-language writers face the same set of difficulties. While some native speakers of English may face similar difficulties, those experiences by second-language writers are often more intense” (Conference on College Composition and Communication, 2001).

A review of the L2 graduate student experience in the research literature in the last twenty-five years shows “the disparity between the students' high level of disciplinary expertise and their lower degree of familiarity with language, writing, and sometimes cultural issues, and the difficulty of getting focused help with overcoming these obstacles” (Leki, Cumming & Silva, 2008, p. 42).

Study of Literacy

The study of literacy demonstrates that academic writing is not one single universal set of cognitive skills but a set of practices which are socially contextualized

(Grabe & Kaplan, 1996). Second language graduate student research crosses disciplines (Casanave, 1995; Connor & Kramer, 1995; Fox, 1994; Hu, 2001; Leki, 1995; Prior, 1991, 1995; Riazi, 1995; Silva, 1992), but relatively few writing research studies have examined how graduate students learn to write in English in their chosen academic discourse communities (Connor, 1996).

Swales (1990b) was among the first to study the initiation and socialization processes that international graduate students writing dissertations go through to become literate professionals in their discourse communities. His work at the University of Michigan continues where linguistics specialists teach "academic legal research writing for law students as part of a larger ESP [English for Specific Purposes] program" designed for non-native English speaking LL.M. students who learn language skills and strategies they will need for law school such as how to write research or seminar papers (Feak et al., 2000, pp. 197-198).

In addition to Swales (1990b), other relevant L2 case study research includes Casanave (1995) and Prior (1995). Based on her case studies of first-year graduate students in sociology, Casanave (1995) argued (a) against the one-way enculturation model of the novice writer learning only from the professor, and (b) for discussions with peers, other professionals, and self-dialogue when students are learning to think and write in their disciplinary communities. Prior's (1995) findings from a series of case studies involving graduate students in six different disciplines reveal that academic literacy is a complex process situated in the specific context.

"Researchers often use the term 'literacy' in place of 'writing'" (Schultz, 2006, p. 366). Literacy, according to Grabe and Kaplan (1996), is the ability to encode and decode

discourse, not just the ability to manipulate grammatical rules and vocabulary. James Gee (2000a) observes that, in the last several decades, literacy research has taken a "social turn" away from the study of individuals to a focus on social and cultural interaction.

International Turn

This study takes an international turn in its consideration of (a) the L2 legal writer in an LL.M. program, and (b) his or her social-cultural interaction with the legal English text and with others in the program during the legal analytic research writing process.

LL.M. Research Writing as an Underrepresented Site

As mentioned in the Introduction to Chapter I, research writing for international students and L2 legal writers in the graduate domain of law is an underrepresented site of L2 writing research and instruction (Feak & Reinhart, 1996). This may be in part because at the graduate level, there is no domain-general writing. Graduate level writing is necessarily content domain-specific with "specific language used by specialists" (Ramsfield, 2005, p. 7). Further, research writing from legal sources is a form of scholarly legal writing generally associated with experts participating in specialized academic communication.

In the U.S., we expect that most scholarly legal writing will push the field into new thinking, whether by analyzing a current situation, comparing a doctrine in one country to one in another country, or suggesting changes in current law.

(Ramsfield, 2005, p. 342)

Although LL.M. students can "push the field into new thinking," difficulties with language and composing can exist for writing professors and for content law professors that are not limited to the general English language proficiency of international students

assumed to be measured by TOEFL scores.

Content law professors, writing specialists, and editors may not fully consider or understand international students' cultural backgrounds, cognitions, styles, strategies for production, or beliefs about their discipline (for example, studying law and legal English—where both vocabulary and usage differ). Law professors and program administrators may not have had exposure to the ideas and processes associated with SLA research and language learning. International graduate students and legal scholars visiting the U.S., on the other hand, cannot easily pick up unseen essential insider information, learn implicitly, or interpret correctly the different cultural expectations, professional behaviors, academic discourses, or American idioms they experience in graduate level classrooms. They may think their "problem" is grammar.

This cultural disconnect between L2 English writers, their professors, and program administrators points to a major gap in the literature. The gap was addressed in part by Belcher's (1994) case study finding that an academic apprenticeship was successful only when the international student and the professor had a collaborative, consensual relationship rather than a hierarchical, one-way enculturation. Enculturation into academic legal research writing is not guaranteed, however, when LL.M. students have only one year to complete their program. "Such a short time hardly seems adequate to begin to even have a sense of what disciplinary writing entails" especially when, "like many other graduate students, they are unfamiliar with the rhetorical and linguistic conventions of their discipline" (Feak et al., 2000, p. 213) and with English for Legal Purposes (Ramsfield, 2005).

Professional School as an Insider L1 Domain

This research considers the case of domain-specific learners in international legal studies who, as L2 legal writers, may operate with a (a) different legal system; (b) new legal language, and (c) new social-cultural, rhetorical, and linguistic conventions for academic or scholarly writing. "This potential mismatch between prior writing experience and legal academic writing conventions is particularly important in the writing of seminar papers, which are generally expected to be of publishable quality" (Feak et al., 2000).

Conventionalization is the key characteristic of genres, according to Bhatia (2002). Empirical findings from case study research emphasize "insider knowledge" that shows (a) the difficulty that native speakers can experience in learning to write at higher levels, and (b) the need to learn the genres and conventions that members of a disciplinary community employ (Berkenkotter et al., 1988; Kissam, 1990).

In addition to L1 and legal literacy research, this dissertation is supported by burgeoning L2 research at the highly advanced "distinguished" language learner level "at which students begin to approach the level of an educated native-speaker" (Leaver & Shekhtman, 2002, p. 3). Distinguished language learners help shape the international fields of law, business, literature, science, politics, and education.

Plagiarism

Second language English scholarship in the professions is important because international students and visiting legal scholars admitted into an international legal studies program may find it difficult to interpret and accept U.S. beliefs and customs when simply warned about plagiarism without extensive discussion of, and explicit guidelines for, the practices and processes of writing a publishable research paper or journal article. Problems like plagiarism can occur when the "literacy practices of certain

students do not conform to the expected literacy practices of the school community" even though these students' writing practices may have been valued and purposeful in other contexts (Grabe & Kaplan, 1996, p. 14). There is little data on the issue from law schools because no school wants to admit problems, according to insider Contento (2009).

Writing from L2 Legal Sources

Theoretical underpinnings for content based instruction (CBI) contributed to the development of this study because scholarly or academic writing from legal sources crosses cultural, linguistic, and disciplinary borders. "Because student goals at higher proficiency levels often focus on specific content" (for example, diplomacy, aeronautics, negotiation, business, and law), "programs are more often than not content-based....While the content schemata may be high among students, most often the linguistic skill is not at the level needed" (Leaver & Shekhtman, 2002, p. 30). Research within CBI context supporting scholarly L2 legal writing ranges from second language acquisition (SLA) studies, to classroom training studies, to various strands of research in education and cognitive psychology (Grabe & Kaplan, 1996; Grabe & Stoller, 1997).

In particular, the Segev-Miller (2004) classroom training (writing intervention) study reveals how writing from sources, or "discourse synthesis," may be very demanding for most native speaking college students without strategies. Her review of the literature shows discourse synthesis to be a "hybrid" reading (comprehension)–writing (production) task that requires students to select, organize and connect content from source texts as they compose their own texts. Citing Flower (1989), Segev-Miller (2004, p. 6) points out that writing from sources is an "act of literacy in line with recent educational emphasis on the development of academic discourse which"

places special value on integrating own ideas and knowledge into the written conversation with one's sources (...) Such integration [is expected] as a move toward critical literacy and toward realizing writing's epistemic potential to transform knowledge rather than to report knowledge (Flower, 1989: 26).

Cross-cultural and contrastive writing research findings also show that the academic need to write and draw conclusions from documented sources is often new to many foreign-trained writers who have not attended secondary school, college, or university in North America (Swales, 1990b; Connor & Kramer, 1995; Prior, 1995; Casanave, 1995).

Canagarajah (2003) extends the discussion in the research literature with a personal description of how he and his colleagues "coped with the publishing conventions from an off-net-worked and underprivileged location" only to find ways in which isolated scholars writing in English can become insiders in their academic communities (p. 207).

Legal learning abroad privileges the use of receptive language skills (listening and reading) over the use of productive language skills (speaking and writing) as in U.S. academic legal culture where law professors commonly use the research paper and the "Socratic method": that is, asking a series of questions and guiding students toward correct responses or to additional points of consideration (Wojcik, 2001, p. 62). Because of contrasting approaches to legal education, foreign-trained lawyers can be unfamiliar with the academic writing process of defining a suitable topic, narrowing it, formulating research questions with viewpoints or strategies to organize a paper that may include argument or persuasion, information, analysis, and description. They can be unfamiliar with to how to formulate a working thesis or how to use primary and secondary sources to support that thesis. Strategies for organizing legal research into a working outline to

receive professional feedback may be new, or they may not realize that synthesizing and integrating sources into an essay format even constitutes “a paper.”⁹ Another contrast may be the value of revising because their idea of writing in their native language differs from North American academic culture and writing habit.

The use of contrastive rhetoric insights have been advocated in the teaching of L2 writing (Leki, 1991; Raimes, 1991a) and in the teaching of LL.M. legal writing (Ramsfield, 1997). "Contrastive rhetoricians maintain that different reader expectations are the primary reason for cross-cultural differences in writing styles and that students should be made aware of these differences by their teachers" (Connor, 1996, p. 167). Armed with insider perspectives and contrastive insights, foreign-trained and L2 domestic-trained (U.S.) lawyers are better equipped to acquire new strategies and implement informed choices in their scholarly writing.

Need for Domain-Specific Writing Support

Foreign-trained writers admitted to law school in the U.S. may need domain-specific *in lieu* of general-purpose academic writing support, with strategies and skills for production that translate into metacognitive awareness for language learners and language awareness for content law professors. Foreign-trained writers may need to work with academic advisors, furthermore, who have some knowledge of how L2 English academic writers are similar or different from L1 English academic writers: culturally, rhetorically, and linguistically. In 1993, Silva synthesized seventy-two published research reports and empirical studies and found that L2 writing is crucially distinct from L1

⁹ Two analytical frames for developing a thesis and presenting research have been presented in Hergenahn & Olson (2005): (1) by Popper in the problem/solution format used in academic legal writing, and (2) by Kuhn in empirical research that stresses analysis of psychological and social factors. Robinson suggests that the analyses of both Kuhn and Popper can be correct (p. 27).

writing in regard to (a) writing process (such as composing and revision), and (b) macro features of discourse organization. He found that processes in L2 writing can be different because of less discourse planning, reviewing and revising (Silva, 1993). Earlier, Raimes' (1987) case study showed that composing competence is more important than language competence. Overall, the research shows a need for L2 writing support.

Writing Intervention Context

English for Specific Legal Purposes promotes L2 English writing and speaking production in legal domain (U.S. common law) context. Language production, according to Swain (2005), is a tool that mediates thinking: in this case, legal thinking. Within the language producing context, language is "substantive" legal subject matter for the writer, and legal writing is avenue to "scientific" legal concepts where the writer has conscious awareness of relations (based on Piaget in Kouzlin, 1986). Foreign-trained lawyers learn writing strategies and develop skills such as paraphrase, summary, and synthesis for deep CALP in English and "advanced literacy" in L2 writing from legal sources (Colombi & Schleppegrell, 2002).

English for Academic Legal Purposes¹⁰ (EALP) more narrowly focuses on L2 writers and visiting legal scholars engaged in academic writing, intervention context for this dissertation study. Student participants took a full-semester, non-credit EALP course offered to both native and non-native English speaking international student writers motivated to improve their law school performance and publish their research in international journals. The approach was process-oriented and learner-centered. The small culture (Oxford, 2002; Holliday, 1999; Kramsch, 1993) of the language classroom

¹⁰ The term "English for academic legal purposes" seems to have been coined by Simon Harris (1992).

was a site of international legal discourse, a "third idiom" that transcended U.S. legal discourse (Shor, 1999, p. 12). Newell (2006) points out that knowing who is being taught addresses the third space in content-area literacy. It was important for the writing teacher-researcher to disclose students' most helpful strategies for use in (a) orienting her law school teaching, and (b) providing cross-cultural feedback to international students and visiting scholars in academic writing workshops (Oxford, 1990).

Genres of Expository Legal Writing

Writing research papers for law school is a form of *scholarly legal writing* which is one of two major legal writing genres in U.S. law school context.¹¹ *Scholarly legal writing* can be defined as a specific kind of writing for academic purposes (for example, law school seminar papers and law review articles). This kind of expository writing for law school takes many forms as does *instrumental legal writing* which is writing for law practice (for example, briefs and legal memos). The process for scholarly writing, however, may be different with respect to the "preliminary research in secondary sources that focus on scholarly work" (Ramsfield, 2005, p. 341). There are also similarities between these two general categories of writing for law school.

First, both categories of writing can be seen as intentional, reasoned, and oriented to problem-solving. Second, both embrace form and content according to the principles of genre proposed by Berkenkotter and Huckin (1993). Third, both may require the writer to make the cognitive transition to knowledge-transforming from knowledge-telling when writing from sources: that is, from simply re-stating knowledge while writing (Bereiter & Scardamalia, 1987) to constructing and re-constructing knowledge through language.

¹¹ The term "scholarly legal writing" was used by Fajans & Falk (1995; 2005) and later, the term "academic legal writing" was used by Volokh (2003; 2007).

Finally, both may require "thoroughly expressed analysis that exposes each step in the reasoning" (Ramsfield, 2005, p. 7).

Cross-Disciplinary Theoretical Basis for the Study

Key studies in L1 and L2 research derive from international and North American contexts because there are various ways of analyzing the writing processes, defining writing strategies, teaching writing in culturally diverse classrooms, and training L2 learners to operate strategically to produce expert, native-like, quality text.

L1 Research

The L1 writing research literature reviewed for this study diverts attention away from general political and cultural topics—the social turn in English composition classes—toward memory theory and linguistic knowledge, cognitive academic language proficiency skills and research-based writing strategies to solve problems encountered by L2 students in L2 analytical or persuasive (expository) legal writing. Of particular importance has been the influential work of Hayes and Flower (1980) who considered the (a) learner external factors influencing the writing task; (b) learner internal mental operations and cognitive processes of planning, revising, and editing, and (c) writers' knowledge about the topic, audience, and plans for accomplishing the task.

Fundamental insights relevant to conceptual changes and sophistication in composing processes came from Bereiter and Scardamalia (1987) who suggested that differences in ability may be due to different writing processes. They supported their model of writing processes with empirical research studies that highlight the (a) difference between skilled and less skilled writers; (b) variable processing demands of

writing; (c) importance of strategic planning and processing; (d) need for planning that moves beyond content generalization, and (e) need to foster self-regulating, evaluating abilities and self-reflection. A key issue articulated by Newell (2006) is that process-approaches to writing instruction and related "writing to learn" did not address what knowledge is central or integral to learning content areas.

L2 Research

The L2 learning strategies literature reveals central kinds of knowledge, like the (a) metacognitive knowledge of planning, organizing, and evaluating (Chamot & O'Malley, 1994), and (b) conditional knowledge of strategies (Newell & Simon, 1972; Oxford, forthcoming) that can be fostered for professional L2 English performance in a legal research paper or scholarly article. The L2 learning strategies context helps clarify the construct of strategic competence for scholarly L2 legal writing in its social, cultural, affective, and cognitive dimensions (Leaver & Shekhtman, 2002). For example, in contrast to compensation strategies "vital at lower proficiency levels", developing knowledge of how to paraphrase is relevant at higher proficiency levels (Ehrman, 2006, p. 251).

Learning theory from educational psychology and cognitive, information-processing models (Sanz, 2005) also help to explain the situation for L2 legal writers who have at least a double need for cognition when they write. The double need for L2 legal writers means: (1) a need to understand language with its production rules as rhetorical (procedural) knowledge, and (2) a need to understand language chunks in disciplinary context as substantive (declarative) knowledge (Anderson, 1996).

The sociolinguist Dell Hymes (1971) put forward the view that "communicative

competence involves knowing not only dictionary/grammar meaning, but also the rules that determine the appropriacy or otherwise of utterances in context" (Swan, 2007, p. 1). Empirical research has shown that the integration of procedural knowledge with substantive (declarative) knowledge is required for learners to achieve disciplinary literacy at advanced levels (Berkenkotter, Huckin & Ackerman, 1988; Berkenkotter & Huckin, 1993).

A third kind of knowledge, conditional knowledge (Newell & Simon, 1972), helps students understand the contextual dimensions in performance of academic writing tasks so they can use what they know more flexibly. This is the knowledge of situated performance where rules and strategies are not yet fixed (Alexander, 2006). Conditional knowledge tells when it is appropriate to use rules and strategies (Oxford, forthcoming).

"Most researchers assert that writing and the writing process are best understood as complex phenomena that include not only procedural strategies for going through the writing process to generate text but also a magnitude of other strategies to develop schemata" (Pritchard & Honeycutt, 2006, p. 285). "Other strategies" include (a) helping writers understand the context for writing; (b) tapping general background knowledge and reading ability; (c) sharpening cognitive processes for problem-solving; (d) creating emotional dispositions and attitudes for problem-solving; (e) developing micro-level skills such as sentence construction; and (f) developing macro-level understandings of topic, genre, and audience (Pritchard & Honeycutt, 2006). Such strategies and sub-processes are explored within the context of the legal writing process in this longitudinal study, especially needed "since writing proficiency is recognized as a developmental process" (Pritchard & Honeycutt, 2006, p. 285).

In sum, research on L2 writers' strategic behavior suggests that: (a) L2 writers implement a wide range of general and specific strategic actions in their attempt to learn to write and to express themselves in L2 writing; (b) the L2 writer's strategic behavior is dependent on both learner-internal and learner-external variables given the socio-cognitive dimensions of composing; and (c) the writer's strategic behavior is mediated by the instruction received and can be modified through strategy instruction (Manchón, Roca de Larios, & Murphy, 2007).

Conceptualizing the Strategy Construct

Social and Cognitive Dimensions

This study adopts a broad conceptualization of the strategy construct that sees writing as text, as composing, and as social construction (Cumming, 1998). This socio-cognitive literacy development perspective, found in both the L1 and L2 literatures, does not exclude cognitive models of L1 writing or the learner-internal perspective that equates writing strategies with any action an L2 writer takes when producing or composing a text. It follows a tradition of L2 writing strategy research that sees strategies "from the perspective of the actions carried out by L2 writers to respond to the demands encountered in the discourse community where they write and learn to write" (Manchón et al., pp. 231-232). This line of L2 writing strategies research has provided "empirical evidence of the interplay between the social and cognitive dimensions involved in the development of the L2 writer's strategic competence" (Manchón et al., p. 234). The term "strategic competence" is currently used in the L2 writing literature as "the ability to use a variety of communicative strategies" (Hyland, 2003, p. 32) which may include

linguistic, sociolinguistic, and discourse strategies.

Affective Dimension

To the social and cognitive dimensions influencing the development of L2 writers' strategic competence, this longitudinal study acknowledges the affective dimension: that is, the students' interest in their legal research and their motivation to develop as scholarly legal writers through the use of academic language skills and academic literacy strategies for writing. Riazi's (1997) longitudinal study of postgraduate Iranian students in Canada concluded that achieving disciplinary literacy was an interactive social-cognitive process and that participants' strategic behavior was motivated by their goals. This study shows that goals and motivation may also influence strategic competence for L2 legal writers.

The affective dimension is important for L2 legal writers who must cross cultural borders to communicate to other law school educated readers in academic legal English. As international lawyers striving to improve conditions in their home countries (for example, the Cameroonian and Palestinian in this study), L2 legal learners want a professional voice and need "high communicative precision" to successfully participate in the specialized academic communication in their field (Engberg, 2009).

Operationalization of the Construct

In sum, a broad characterization of the strategy construct for strategic competence in scholarly L2 legal writing is informed primarily by the learner-internal, socio-cognitive perspective. This characterization contrasts with the narrow cognitive (intra-learner) one in which "writing strategies are considered to be merely a set of writing phenomena": "control mechanisms of one's writing behavior, and problem-solving devices" (Manchón et al., 2007, p. 235) —different from the macro-writing processes of pre-writing, drafting,

and revising or aspects of the task that attend to language, discourse, or content.

Operationalization of the strategy construct for data analysis occurs when the broad characterization is applied to make sense of the data when analyzing the literacy strategies and cognitive academic language proficiency (CALP) skills individual learners used in the context of writing a scholarly L2 legal research paper, and how they negotiated their relationships.

Cognitive Academic Language Proficiency (CALP) Skills

As mentioned in Chapter 1, CALP refers to skills in formal academic language learning (contrasted with informal social language learning) after Cummins (1979). These include skills in listening, speaking, reading, and writing about content-area material in academic situations where students are expected to use English as a tool for learning (Cummins, 1981, 2000, 2001, 2003). Problems arise in law school context when professors and administrators assume that students are proficient in second language (L2) academic writing when they demonstrate good social English orally or have met university requirements for TOEFL, the Test of English as a Foreign Language.

In this study, CALP skills are more narrowly defined as academic language skills for processing L2 academic English and L2 legal content "knowledge" that may be "central to performing the sophisticated tasks that serve the goals of math, science, social studies, and language arts instruction" (Kieffer, Lesaux, Rivera, & Francis, 2009, p. 1190). CALP skills central to scholarly legal research writing are analyzing, paraphrasing, summarizing, and synthesizing from printed legal sources (with citation). The term incorporates higher-order thinking, L2 legal and L2 academic language use, and legal

research writing at the level of professional (or higher) writing proficiency.

PART I (b)

Underlying Dynamic Structure of the Study

This next section of Part I will begin by situating the study in a learner-centered process approach to legal writing, a research approach consistent with a study of writing strategies (Manchón et al., 2007). The literature review will continue by defining "writing process(es)" from a foundational linguistics perspective. Finally, the connection between legal writing process(es), legal writing strategies, and explicit strategies instruction for scholarly L2 legal writers in this study will be made.

Writing Process Approach

The writing process concept emanates from an L1 process approach to writing—a well known and widely held approach in U.S. composition. Manchón et al. (2007, p. 229) suggest that "the study of writing strategies should be viewed within a wider research movement known as 'process writing', which emerged in the field of native language (L1) writing with the aim of gaining insights into the mental actions writers engage in while composing."

The model of skilled writing presented by Hayes and Flower (1980) has been especially influential in contributing to this movement. Their model included three components, one providing a description of the mental operations involved in writing that included planning what to say and how to say it, translating plans into written text, and reviewing to improve existing text. The other two components in the Hayes and Flower (1980) model involved (a) external factors that influenced that writing task, such as the

writing assignment, and (b) the writer's knowledge about the topic, the intended audience, and the plans for accomplishing the various tasks.

From the L2 writing view, the process approach to writing "emphasizes the development of good practices by stressing that writing is done in stages of planning, drafting, revising, and editing which are recursive, interactive and potentially simultaneous" (Hyland, 2006, pp. 316-317). Among these four stages emphasized for L2 writers, three are devoted to language use (and re-use): that is, drafting, revising, and editing.

From an L2 legal writer perspective, description of the writing process appears even more complex, time consuming, cognitively and linguistically demanding. "The process approach generally divides writing into three steps: '(a) prewriting, with its planning, researching, analyzing, and organizing functions; (b) writing preliminary drafts of the legal document; and (c) editing, revising, and polishing the drafts'" (Spanbauer, 2007, p. 24). The writing process approach from this point of view combines the editing and the revising stages but places greater emphasis on editing, with the suggestion that editing influences content. The pre-writing stage in legal writing context also carries considerable weight substantively and cognitively. More cognitive (analytic and linguistic) skills and knowledge are involved in the legal process approach to writing.

Writing Process(es)

There are different ways of analyzing the writing process(es) and also of teaching and training writers to apply these processes so they can produce expert, native-like, quality text. Linguistic researchers worldwide share the purpose of linking "fundamental research to educational applications and, in this view, contribute to the field of writing

research and to professionals interested in the process of writing" (Negro & Chanquoy, 2005, p. 110).

Negro and Chanquoy (2005) claim that writing a text may be the most complex task of all the language activities. The "researchers' purpose is both to describe and explain the different processes—and their corresponding sub-processes—which sustain writing, their functioning and their relationships" (Negro & Chanquoy, 2005, p. 105). Thus, this descriptive study purports to disclose, discriminate, and understand the differences among the dynamic factors that influence strategic competence and writing proficiency in scholarly L2 legal writing from a socially interactive, analytically and linguistically demanding (cognitive) orientation to the writing process. Social interaction is important because writing is known to been influenced by oral language models and has been described by a number of theorists, most notably Flower and Hayes (1981) mentioned earlier, as having three major interactive and recursive processes: planning, translating and revising. Each is discussed below.

Revising

The revising process implies "a high level of developed writing and reading operations" rarely carried out by novices (Negro & Chanquoy, 2005, p. 108). Negro and Chanquoy (2005) cite Holliway and McCutcheon (2004), saying that

the ability to detect errors depends on the capacity to consider his/her own text as a reader. The writer has to critically evaluate his-her own text, and, in detecting an error and using her knowledge, diagnose and correct the lexical and grammatical features, for instance. Thus, without sufficient knowledge, the writer can detect error without being able to correct it. (p. 108)

A key phrase is "sufficient knowledge." In addition to revising as part of an overall approach to L2 legal writing, editing the smaller issues in writing such as sentence structure and word choice may also be seen as a key literacy skill, or an act of disciplinary literacy, that may need to be taught, discussed, or otherwise attended to for professional proficiency in writing.

Process knowledge, with realistic strategies for drafting and revising, is one of five kinds of knowledge necessary to "research, write, and revise a workplace or disciplinary text" according to Hyland (2003, p. 115). Four other kinds of necessary knowledge are content knowledge, system knowledge, genre knowledge, and context knowledge of readers' expectations, cultural preferences, and related texts (Hyland, 2003).

Planning

Similar to the legal definition of the writing process, planning may be the most complex process in writing, according to Negro and Chanquoy (2005). In their educational study, Galbraith, Ford, Walker, and Ford (2005) see planning as one way knowledge is developed during writing. Their study focuses exclusively on outline-planned writing "because it is during outlining that planning is most isolated from the other processes" (2005, p. 140). They cite Bereiter and Scardamalia's (1987) model of writing as an example of an instructional program designed to develop a more knowledge-transforming approach to writing, helping young writers to write more reflectively. Their critique of the (1987) study was that, because of the length and complexity of the intervention program, "improvements in text quality could not be directly linked to a transformation of knowledge during planning" (p. 116). "Other studies that have suggested that rhetorical planning leads to a greater transformation of

thought have not examined the relation between knowledge transformation and text quality" (Galbraith et al., 2005, p. 116). The relation knowledge transformation and text quality is addressed through an exploration of writing strategies and CALP skills in this dissertation study of strategic competence.

Improvements in text quality and the link to strategies for transforming knowledge, along with rhetorical planning, are explored in this dissertation through the study of strategic competence. Also, if the interpretation of the results of the Galbraith (2005) study is correct, there is a need for caution in assuming that outlining is an effective drafting strategy for less experienced L2 legal writers whose fluency of expression may be inhibited by outlining, even though the writing process strategy did seem to help undergraduate writers in their study generate more rhetorically appropriate content.

Translating

Translating involves collecting ideas during planning, formulating them into words, and ordering the words into grammatically and syntactically correct sentences to form a cohesive text. Negro and Chanquoy (2005) take this description of the translating process from the Kellogg (1996) model that also accounts for three systems:

At least three operations ensure proper translating: (a) the selection in the mental lexicon of appropriate words to formulate ideas; (b) the generation of sentences; (c) the elaboration of the textual coherence and cohesion using appropriate linguistic devices. These operations are postulated to be easier to automate and to master than those associated with planning because they involve mainly the application of fixed rules. (p. 106)

A question remains whether these operations are easier to automate and to master for L2 writers, however. Writing research suggests a need to investigate the L2 process of translation or text production strategies. Caudery (2002) claims "there is ample evidence that L1 writing processes and habits...are likely to be transferred to L2 to the extent that the writer's knowledge of the L2 permits" (p. 183): for example, Arndt (1987) and Cumming (1989).

Other researchers declare that "these three processes do not necessarily correspond to stages in the writing process," pointing to the Hayes and Flower (1980; see also Hayes 1996) model (Galbraith et al., 2005, p. 114). Rather, the three processes may be seen as distinct mental activities, recursively applied throughout the writing process (Galbraith et al., 2005, p. 114). Writing, in their view, is conceived as "a dynamic process consisting of three basic mental activities: planning, text production and reviewing... [that] interact throughout the duration of the process" (Galbraith et al., 2005, p. 114). Coordinating these processes effectively is said to pose a fundamental problem for writers in these models because, "as Flower and Hayes (1980, p. 33) put it, "the writer in the act is a thinker on full-time cognitive overload" (as cited in Galbraith et al., 2005, p. 114). Writing strategies and a process model for scholarly legal writing may help lighten this load. The Fajans and Falk (2005) model, for example, moves the writer from developing knowledge of the research topic in a writer-as-learner "writer-centered" drafting stage to developing competency in communicating to the law school educated reader in the more "reader-centered" revising stage.

In the Kellogg (1996) model, the three systems (labeled formulation, execution and monitoring) may occur concurrently and asynchronously, with proposed relationships

between each writing process element and one or several working memory system(s).

"Working memory is considered as a system responsible for both temporarily maintaining information (coming from the environment or from long-term memory) and its processing" (Negro & Chanquoy, 2005, p. 107).

Negro and Chanquoy (2005, p. 107) maintain that "researchers usually explain a dysfunction of one or several of the written process(es) as a result of a lack of cognitive resources in working memory"; when L2 working memory is overloaded, some processes may fail. Because of constraints related to working memory capacity, Negro and Chanquoy (2005) describe writing as a complex cognitive task that is delicate to teach. Process-oriented strategies and L2 instruction at higher ranges can lighten the cognitive load for L2 legal writers.

Negro and Chanquoy (2005) also point to the Bereiter and Scardamalia (1987) model to represent the passage from novice to expert writer (2005). The knowledge-telling strategy is used mainly by novice writers to retrieve ideas from long-term memory and immediately write them. In contrast, the knowledge transforming strategy is used by experts and resembles a problem-solving procedure. Because planning and revising are high-level processes "responsible for high quality of text", Negro and Chanquoy (2005) suggest that, instructionally, these could imply the following:

- (a) training low-level processes (that can be automated) to develop working,

- memory for high-level processes (that stay under conscious control);

- (b) training high-level processes not spontaneously carried out during writing.

The latter may be considered an instructional strategy associated with the writing process approach for graduate L2 legal learners, but it is not known which processes are

considered high-level and which are considered low-level by L2 writers engaged in the act of scholarly legal writing. To assume that they are all high-level process for all L2 writers may be erroneous because of the constraints of different kinds of knowledge necessary for effective scholarly writing, like topic knowledge for example. This issue is also addressed in this study of strategic competence for L2 legal writers.

Training High-Level Processes

Just as there is "a large gap between constructing an outline and its implementation in a text" (Galbraith et al., 2005, p. 139), producing a text is easier than correcting one, according to Lefrançois (2005). This may be the case for some scholarly L2 legal writers. In a recent research study on how French-speaking university students solve linguistic problems when they produce and revise a text, Lefrançois (2005) reaches similar conclusions found in previous L1 research: (a) in Québec with postsecondary students, and (b) in the U.S. with American college students. Lefrançois (2005) "found that students have serious deficiencies in their linguistic knowledge and problem-solving strategies even after thirteen years of schooling" (p. 430). Because revision strategies did not seem to be mastered by students in her study, Lefrançois (2005) recommends structured teaching until the university level with explicit focus on three points:

- students must know how to be critical of written texts;
- students must acquire a sufficient level of linguistic knowledge to solve problems;
- students must master appropriate metalanguage to be able to use reference books.

Results of the Lefrançois (2005) study suggest that L1 "students' linguistic problems seem to be mainly due to lack of knowledge rather than to problems in accessing that knowledge" (p. 417). Again, "lack of knowledge" is a key phrase and a key finding that

provides basis for the exploration of strategic competence within the context of writing strategies instruction. Knowledge and training high-level writing processes in L2 (legal) English is important for advancing the writing of LL.M. graduate students.

Further illumination comes from educational psychology. McCutchen (2000) looks at how multiple sources of knowledge, stored in long-term memory, are coordinated during writing within the constraints of working memory. After a brief discussion of memory theory, which she applies to writing, McCutchen (2000) speculates that "writing expertise depends on the development of two things: (a) fluent language generation processes and (b) extensive knowledge relevant to writing" such as topic knowledge, genre knowledge, and audience knowledge (p. 13). She also suggests that writing strategies such as knowledge-telling may serve an adaptive function. "Because knowledge-telling merges content retrieval with text generation and results in actual words on the page, it gets the job done in many writing situations, and it does so within the limits of ST-WM" [short-term working memory] (McCutchen, 2000, p. 20).

The idea that knowledge-telling serves an adaptive function is useful for L2 legal writers who may be expected to transform knowledge without sufficient knowledge bases or fluent writing generation processes. This link between knowledge and strategies for language generation during the processes of writing provides justification for this dissertation research, suggesting that strategic competence for L2 legal writers encompasses knowledge as well as strategies.

It is important to point out that Torrance and Galbraith (2006) argue for a less strategic model of how different processes are coordinated in terms of high-level processes that compete for cognitive resources in writing. They argue for a more dynamic

model of the writing process and its interaction with short term memory, recalling the "dynamic process" description used by Galbraith et al. (2005). What is interesting in the account by Torrance and Galbraith (2006), and potentially relevant for L2 writing research (theory and practice), is their suggestion that "working memory capacity is best viewed not as a fixed feature of individuals, but as dependent on task- and domain-specific memory management skills" (pp. 77-78). Although these researchers agree that some aspects of the writing process can be controlled, they maintain that "no matter how skilled we are at managing the writing process, there is an irreducible core of potential conflicts and writing will always be a struggle to reconcile competing demands" (Torrance & Galbraith, 2006, p. 78). These researchers also point out that writers, motivationally, have to accept this if they are to get the job done—a perspective supported by participants in this dissertation research. In addition to motivation, however, L2 students engaged in scholarly legal writing may need explicit information about L1 academic writers to cope with the severe time constraints imposed on their L2 academic writing in graduate (legal) domain context.

Effect of Explicit Writing Strategies Instruction

Segev-Miller (2004), in her previously mentioned L1 intervention study on Israeli college students' writing from sources, found that explicit instruction improves post instruction discourse synthesis processes and products. She used a process log as a research tool in which students related (a) to their learning and (b) to their self-assessment of writing task performance. This research tool allowed the researcher-teacher to (a) gain insight into the dynamic development of students' strategies over time, (b)

consider information regarding students' difficulties, and (c) adapt instruction accordingly.

With respect to process, Segev-Miller's (2004) findings indicate that

...The subjects attributed the improvement in their post instruction processes to the effect of explicit instruction in terms of three main categories: (1) knowledge of task representation as knowledge-transforming, of metacognitive and cognitive strategies relevant to the performance of the task, and of assessment criteria; (2) motivation and self-efficacy, which resulted in the subjects' ability to manage the task and to transfer their learning from the course to other contexts; and (3) self-reassessment as learners. (p. 25)

Managing the task (versus monitoring the product) associates with transfer of learning to other contexts in her study. With respect to product, her findings indicate that subjects attributed major improvement to the intertextual processing strategies they had acquired: conceptual, rhetorical, and linguistic transforming, respectively.

... The subjects assessed their post instruction products to be of higher quality than their pre instruction products, especially with regard to three criteria: inventing a macroproposition, organizing the information previously selected in an appropriate rhetorical structure, and linguistically transforming the information. (Segev-Miller, 2004, p. 25)

A key finding in this research study was that linguistic transforming proved to be very difficult for the L1 subjects: "copying, paraphrasing, and summarizing reflected different 'depths' of textual processing" (Campbell in Segev-Miller, 2004, p. 25). In other words, student participants found it very difficult to get away from the language of their texts. Significant linguistic transforming then, according to Segev-Miller, was found to reflect

"deep" textual processing—like rhetorical transforming. Linguistic transforming was also found to be related to the subjects' "authorship" of their textual products (Segev-Miller, 2004, p. 24).

In sum, a number of questions generated by Segev-Miller (2004) are reflected in this study of scholarly L2 legal writing. First, do student participants think that explicit strategies instruction improves academic legal discourse synthesis processes and products? Second, do student participants use the same or similar criteria to assess the quality of their written products as in the Segev-Miller (2004) study (that is, inventing a macroproposition or thesis, organizing information previously selected in an appropriate rhetorical structure, and linguistically transforming the information)? Third, does linguistic transforming (for example, paraphrasing and summarizing) prove difficult and involve different depths of textual processing related to writing purpose for the student participants? Fourth, are there differences between the student-participants' self-assessments of their writing products at each stage of the scholarly L2 legal writing process and the writing teacher-researcher's? Such questions are inherent in the research questions revised, refined, and explained in the design of this longitudinal study (Chapter 3). The next and last section of the Literature Review provides the theory and conceptual frame for the study.

Part I (c)

Conceptual Frame for the Study

This last section of Part I presents the conceptual framework for the study which views scholarly L2 legal writing (a) as developmental learning in two domains, language

and law, and (b) as socialized cultural practice: “L2 literacy for mature L1 literates” in the domain of law (Francis, 2006).

Theory supports the conceptual frame based on (a) Vygotsky's (1978) dialogic model of teaching and learning in which the learner interacts with a “more competent other” during three recursive stages (pre-writing, drafting, and revising) of scholarly legal writing to produce expert, native-like, quality text; (b) Alexander's (1997, 2003) Model of Domain Learning which links knowledge, motivation, and strategies across three stages of increasing expertise on a continuum that also describes L2 legal writer development through three recursive stages of scholarly legal writing; and (c) Canale and Swain's (1980) concept of communicative competence, initially proposed by Dell Hymes (1971) and enriched by Leaver and Shekhtman (2002) to “shed light on the varying needs of students as they progress from Novice to Distinguished levels of proficiency” (p. 10).

Vygotsky's Dialogic Model for Developing Thought in Scholarly Legal Writing

For sociocognitive theorist Lev Vygotsky (1978), “an essential feature of learning is that it creates the zone of proximal development”: that is, learning awakes a variety of internal development processes that are able to operate only when the learner is interacting with people in his/her environment and in cooperation with peers (p. 90). “The zone of proximal development, Vygotsky wrote, is ‘the distance between the [child's] actual developmental level as determined by independent problem solving and the level of potential development as determined through problem-solving under adult guidance or in collaboration with more capable peers” (1978, p. 131). For this dissertation, the word “child” may be replaced with “learner” and the word “adult” with “expert” or “teacher.” Vygotsky's dialogic pedagogy is a teacher-student relationship in which mutual respect,

sharing and learning in community are primary; learning is both social and cultural; students traverse the zone of proximal development to solve problems with assistance from a more competent other (teacher or expert); and higher-order functions such as analysis, synthesis, evaluation are learned as strategies and internalized in stages (Oxford, forthcoming).

Learning skills and knowledge are not development, from Vygotsky's psychological point of view, even though properly organized learning does result in mental development for Vygotsky. The developmental process lags behind the learning process in a sequence that results in zones of proximal development, and when an operation such as written language is mastered, the learner's developmental processes "have only just begun" (Vygotsky, 1978, p. 90). For Vygotsky, "thought development is determined by language, i.e., by the linguistic tools of thought and by the sociocultural experience" of the student (as cited in Kouzlin, 1986, p. 94). For scholarly legal writers, intellectual growth is contingent on mastering the social means of thought: that is, conscious written speech as well as unconscious (or conscious L2) oral speech.

Because Vygotsky (1978) views learning as a "profoundly social process," he "emphasizes dialogue and the varied roles that language plays in instruction and in mediated cognitive growth" (p. 131). As mentioned earlier, language can be seen as "substantive" subject matter for learners in scholarly writing context, with legal writing avenue to legal "scientific" concepts where the writer has conscious awareness of relations (based on Piaget in Kouzlin, 1986). In other words, language may be seen as a writer-centered tool for learning (that is, as a receptive skill for pre-writing and a productive skill for drafting) as well as a communicative competency (that is, as a

productive language skill for revising to communicate effectively to the law school educated reader). According to Vygotsky (1978),

the mere exposure of students to new materials through oral lectures neither allows for...guidance nor for collaboration with peers, [and] teaching represents the means through which development is advanced; that is, the socially elaborated contents of human knowledge and the cognitive strategies necessary for their internalization are evoked in the learners according to their "actual developmental levels." (p. 131)

The idea that oral lectures do not guide students or facilitate collaboration but that knowledge of writing and strategies instruction can represent "the means through which development is advanced" applies to law school text and is central to this study.

Vygotsky and Freire

For Vygotsky, educational intervention should focus upon "emerging functions and capabilities" as in Paolo Freire's literacy campaigns in "Third World" developing countries. John-Steiner and Souberman, in their *Afterward to Vygotsky* (1978), suggest that because Freire "adapted his educational methods to the specific historical and cultural setting in which his students lived, they were able to combine their 'spontaneous' concepts (those based on social practice) with those introduced by teachers in instructional setting," (Vygotsky, 1978, p. 131). In other words, knowledge of writing in context and instructional strategies for disciplinary writing can guide students sufficiently to overcome differences in social-cultural practice(s).

Developmental Approach

A reciprocal relation may be said to exist between the development of mind or

thought (content) and the development of language facility (form) through strategies instruction for scholarly L2 legal writers. Vygotsky's "new developmental approach," which was built on higher mental functions, cultural development, and mastering one's own behavioral processes (in Kozulin, 1986), includes the use of strategies and applies to scholarly L2 legal writing relative to domain learning.

Alexander's Model of Domain Learning for Writer Development

Alexander's (2003) theory sees motivation in the form of interest as critical for learning. Second language academic writers in law school context can be highly motivated to develop legal thinking and language facility through writing strategies instruction. Alexander's (1997) MDL "attempts to explain how domain knowledge influences interest and strategy use, leading to better performance" (Greene & Azevedo, 2007, p. 351). The MDL suggests a three stage developmental model of the acquisition of expertise within academic domains, also known as communities of practice. These stages are acclimation, competence, and expertise (proficiency). "Each of these stages is distinguished by varied interrelations between knowledge, strategic processing, and interest" (Alexander, 2003, p. 12). These stages are most useful to describe L2 legal writer development during the recursive process of legal research writing (that is, pre-writing, drafting, and revising). Writer development through the stages may be summarized in a single paragraph.

In the acclimation stage of the recursive writing process, the legal writer is acclimating to the domain research topic. Surface-level strategies for academic legal language processing may characterize this as the pre-writing stage: for example, repeating rather than paraphrasing text (Swain, 2005). In the next stage, the legal writer

builds competence in the domain research topic with a mixture of surface and deep-processing strategies for writing: for example, long quotations, simple summary, and paraphrase. More interest and greater knowledge may characterize the drafting stage for emerging academic legal writers who, based on Fajans and Falk (2005), are engaged in a "learner-centered" process when beginning to draft in L2 academic English. Eventually, expertise or proficiency may be demonstrated by the scholarly writer in the final "reader-centered" stage of the scholarly writing process (Fajans & Falk, 2005). As mentioned earlier, the final revising stage may include editing where the writer may show quality over quantity and some mastery with deep-processing strategies that include analysis and elaboration (Swain, 2005). Knowledge deepens through reflection and re-working language for effective communication to the law school educated reader.

Model of Domain Learning (Alexander, 1997): 3 stage developmental model

<u>acclimation</u>	→ <u>competence</u>	→ <u>expertise</u> (proficiency)
<i>mostly surface-level strategies → increase in knowledge + interest → mostly deep strategy use</i>		

Alexander (2006, p. 259) suggests that "...effective learning and continued academic growth cannot occur without strategic engagement." Second language legal writers, in other words, need increased knowledge and use of writing strategies to move from novice to expert-level production in a scholarly legal research paper that can be described as a general movement from surface-level processing to deeper-level processing of academic legal text. An increase in subject-matter knowledge should result, according to the MDL, "...in part, because of learners' deepening involvement in the domain research and their identification with that community of practice" (Alexander, 2006, p. 262).

With attention to and knowledge of (a) the expected cultural product (genre), as well as (b) the processes or stages of writing (pre-writing, drafting, and revising), L2 legal writers may shift focus away from knowledge acquisition to knowledge generation (Alexander, 2006). From an instructional standpoint, as L2 legal writers move through the various stages in scholarly writing—focusing on writing to learn (cognitively) first, before writing to communicate (socioculturally) to a law school educated reader—the scholarly legal writer may develop conceptually, rhetorically, and linguistically through the use of strategies.

Scholarly Writing (based Fajans & Falk, 2005): 3 stage developmental process

pre-writing \leftrightarrow drafting as "writer-centered" learning \leftrightarrow revising as "reader-centered" communication

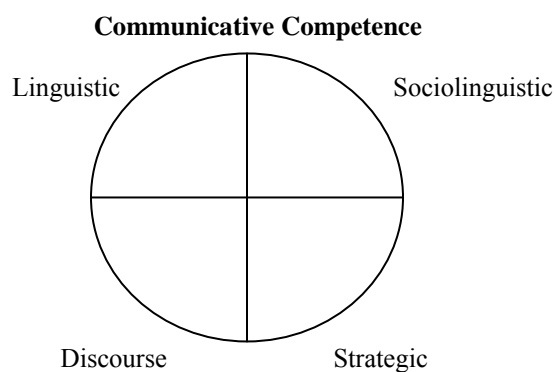
For pre-writing and drafting, academic legal language becomes a cognitive tool for learning. For revising, academic legal language becomes a sociocultural tool for communicating. At each stage of domain research writing, there may be "a shift in types of strategies learners need and use," from lower-level to deeper-level processing (Alexander, Graham, & Harris, 1996, p. 138). There may also be a shifting partnership of knowledge, strategies, and interest (Alexander, 2006, p. 263). The dynamic role of strategies for development of competence, expertise, or proficiency in scholarly legal writing is central to this dissertation study.

Scholarly legal writing, in sum, may be seen as a mechanism for legal content and for academic language development in a graduate domain, bridging a gap in the learning theory literature devoid of writing perspectives on learning theory (P. Alexander, personal communication, spring 2006). In addition to developmental learning in the two

domains of language and law, this dissertation views scholarly L2 legal writing as socialized cultural practice. Linguistic tools and production strategies, supported by individual attention from a writing instructor, mentor, and/or professor, socialize L2 students to North American writing (process) habit so legal writers can make abstract, conceptual, inferential thinking clear, accurate, and concise with academic legal English. The output is part of the process of learning (Swain, 2005), "not simply the product of it" (p. 471).

Communicative Competence and Scholarly Legal Writing

A term coined in the research literature by Dell Hymes (1971), "communicative competence" has become a perspective of communicative language use central to at least two decades of applied linguistic discussions, spawning a "communicative turn" in U.S. L2 education (Byrnes, 2005, p. 37). From a pedagogical perspective, this turn in language teaching contrasts with previous views in which grammatical competence was given top priority. The perspective originates with Canale and Swain's (1980) discussion of communicative competence that analyzes language in terms of grammatical (linguistic), sociolinguistic, discourse, and strategic competence.



Canale (1983) proposed that these four complex components of communication account

for a person's linguistic skills (competence) in a variety of ways:

(a) phonological/orthographical, morphological, syntactic, and semantic knowledge; (b) sociolinguistic awareness and the rules of appropriate language use; (c) knowledge of the ways that discourse is sequenced and abilities to structure discourse effectively; and (d) knowledge of skills and strategies that either enhance communication or repair communication. (Grabe & Kaplan, 1996, pp. 224-225)

Based on Bachman (1990), Canale and Swain (1980), and Hymes (1972), Grabe and Kaplan (1996) describe a model of writing developed from a model of communicative academic language use (Chapelle, Grabe & Berns, 1993) in which the "language competence" component consists of the three competencies discussed in the earlier models of communicative competence: that is, linguistic (grammatical), discourse, and sociolinguistic. "These three parts in the language competence activate relevant linguistic resources based on internal goal setting and the cues from the contextual situation" (Grabe & Kaplan, 1996, p. 228). In other words, the first three components of communicative competence can be seen as linguistic resources activated by (learner-internal) metacognitive and (learner-external) social-cultural variables associated with the writing situation.

Strategic Competence

Canale's (1983) proposal that strategic competence is knowledge of skills and strategies that either enhance or repair communication is central to this L2 writing study. Strategic competence in the Grabe and Kaplan (1996) writing model "is accounted for primarily by the metacognitive processing throughout 'verbal working memory'" (Grabe & Kaplan, 1996, p. 236). Similarly, Bachman and Palmer (1996) present strategic

competence as metacognitive strategies such as goal setting, planning, and assessment strategies. These researchers also suggest that "language knowledge" and "strategic competence" are two components of language ability (Bachman & Palmer, 1996), "the field's best attempt to forge a relationship between language knowledge and language use" (Chalhoub-Deville & Deville, 2005, p. 822). Strategic competence as a component of communicative competence associated with knowledge and language use is central to this dissertation study.

Celce-Murcia and Olshtain (2005) suggest that "these [four] competencies are not independent and unordered" when viewed as an integrated whole (p. 731). For them, the core competence is discourse competence,

an integrated ability that one needs in order to make use of one's sociocultural and linguistic competence to select or interpret words, phrases, and sentence structures that produce coherent and cohesive segments of the language that appropriately communicate an intended meaning to a specific audience.... (p. 731)

Celce-Murcia and Olshtain (2005) further suggest that "strategic competence (Canale & Swain, 1980; Celce-Murcia, Dörnyei, & Thurrell, 1995) refers to how well language users can deploy the knowledge and resources at their disposal—along with communication strategies—in order to communicate their intended meanings" (Celce-Murcia & Olshtain, 2005, p. 731). Communication strategies fall under the category of writing strategies in this study.

Strategic Competence for Developing Proficiency in Scholarly Writing

The strategic competence component for writing a scholarly text necessarily includes knowledge of the other components: (a) vocabulary words and grammar patterns; (b) social and cultural appropriateness such as proper attribution with footnotes;

(c) cohesion and coherence in academic legal discourse, particularly difficult for L2 novice or international student writers unfamiliar with L1 text organization and genre differences. Further, these first three components of communicative competence (linguistic, sociolinguistic, and discourse—"language competence" (Chapelle, Grabe & Bern, 1996)—are seen to converge in the Interagency Language Roundtable (ILR) writing skill level descriptions for learners at the level of professional proficiency and higher: that is, for learners at the Superior-Distinguished threshold (Ehrman, 2002) "at which students begin to approach the level of an educated native speaker (Leaver & Shekhtman, 2002, p. 3).

Leaver and Shekhtman's (2002) discussion of communicative competence, situated within a language-learning framework proposed by Spolsky (1978), fosters the ability of L2 learners "to communicate with native speakers in real-life [authentic] situations" (Stryker & Leaver, 1997a, p. 12). Leaver and Shekhtman (2002) suggest a need for engagement of communicative competence components along the L2 learning-producing continuum: "while all students need most of the components of communicative competence at any given time, there is a changing balance that occurs with proficiency gain" (p. 10). Researchers have found that superior-level students may need more attention to sociolinguistic, linguistic, and discourse competence, especially to formal language (Leaver & Shekhtman, 2002). With respect to strategic competence, researchers suggest that the change must be from mostly compensatory to mostly metacognitive strategies (Leaver & Shekhtman, 2002).

According to Stryker and Leaver (1997b), "students at lower levels (Novice through Advanced High) appear to need to develop aspects of strategic competence most

of all, especially if they are involved in programs that introduce authentic materials at early stages of instruction" (cited in Leaver & Shekhtman, 2002, p. 10). Strategic competence for these researchers centers on "the ability to apply appropriate learning strategies for acquisition of new languages and for coping with unknown language" (Leaver and Shekhtman, 2002, p. 9). Translation for this L2 writing study centers on the ability to apply appropriate writing strategies for acquisition and use of academic legal English and for coping with the unknown in North American research writing habit (process) and cultural expectation (product).

Strategic Competence and Methodology for Teaching Scholarly Legal Writing

By disclosing the dynamic, changing nature of (learner-internal and learner-external) variables that influence strategic competence at the level of professional (or higher) proficiency for recursive stages of scholarly writing (that is, pre-writing, drafting, and revising), approaches to teaching scholarly writing may be modified to produce learners who have accurate production skills as opposed to "learners who have good receptive skills but whose production is fluent yet inaccurate (Harley, 1989; Larsen-Freeman & Long, 1991)" (Celce-Murcia and Olshtain, 2005).

Conceptual Framework Summary

To summarize the theory for this dissertation, Leaver and Shekhtman (2002) suggest a need for engaging communicative competence components along the L2 learning-producing continuum, especially strategic competence for students at the novice to advanced high levels who may "need to change from mostly compensatory to mostly metacognitive" as they continue to develop proficiency (p. 10). Similarly, Alexander

(2006) suggests a need for strategic engagement along the novice-expert continuum for effective learning and continued academic growth. Vygotsky's (1978) dialogic model of teaching and learning, in which the learner interacts with a “more competent other” during three recursive stages (pre-writing, drafting, and revising), promotes learner development while writing to produce native-like expert-quality text.

PART II

Part II of this chapter bridges the Literature Review (Chapter 2) with the Methodology (Chapter 3). It shows how the research literature was used to develop the questionnaire exploring factors for strategic competence. Categories of factors (variables) drawn from the research literature include academic (literacy) writing strategies, cognitive academic language proficiency (CALP) skills, writing strategies instruction, and conceptual, rhetorical, and linguistic feedback at three different stages in the scholarly writing process that develop communicative competence in a scholarly legal research paper as well as domain learning in two areas: language and law.

Questionnaire Developed for this Study

The name of the questionnaire developed for this study is The Strategic Competence Questionnaire (SCQ) for Professional Proficiency in Scholarly Second Language (L2) Legal Writing for International Legal Studies. It developed as a separate research tool from a comprehensive (46 item) post-intervention questionnaire called the Questionnaire of Factors Affecting Professional Proficiency in Scholarly Writing for

International Legal Studies. This questionnaire included individual learner background and proficiency factors in addition to strategic competence operationally defined and summarized as appropriate use of learner internal and learner external literacy strategies and language skills to show communicative competence and domain learning in scholarly legal writing. This comprehensive questionnaire was premised on a writing survey by Jasser, Khanj and Leaver (2005) based on Leaver and Atwell, with the Defense Language Institute Division of Evaluation and Research, 2001 (with Leaver's permission August, 2006). Their writing survey is called the Learner/User Questionnaire: Acquisition of Level 4 L2 English Writing Proficiency by Students Whose First Language Is Arabic. Leaver (2005) explains that the researchers' goal was "to identify the critical factors that must be present for students to reach a Level 4 [advanced professional proficiency] equivalent in writing in English" (p. 19). Theirs is a 25-item survey of qualitative and quantitative questions asking students to describe how they acquired their writing proficiency and collecting demographic information. Their survey was re-tooled from a speaking survey for students at the same level: native Arabic speakers studying English as a foreign language (EFL) who have acquired English to the near-native level.

The SCQ developed for this study, in contrast, consists primarily of quantitative items for multilingual graduate student writers in U.S. (ESL) law school context. Most of the participants in this study have acquired spoken English to the professional proficiency or near-native level and will be using L2 English in their jobs as international lawyers. Many of these jobs, and the internships that prepare the learners for work in global corporations and international institutions, presume a need to write in English at the level of professional proficiency or higher (for example, functionally native proficiency). To

meet this need for professional proficiency in L2 legal writing, the researcher condensed, contextualized and quantified the proficiency definitions and selected items from the Jasser, Khanj and Leaver (2005) writing survey to create different sections of the SCQ.

Two important demographic questions were retained as contributing factors from the Jasser, Khanj and Leaver (2005) instrument: (a) formal instruction at higher ranges, and (b) professional use of languages. In addition, their checklist of factors for developing advanced professional proficiency was adapted for the SCQ (for example, refined use of grammar; increased acquaintance with a range of writing styles; how written texts are organized; and building endurance in writing). Their questions about the importance of direct (explicit) instruction for achieving advanced professional proficiency in writing in English were also retained for the SCQ (3.b). The reason for the inclusion is that opting to take an advanced writing course is a strategy in itself for learner development and enhanced L2 English production at the graduate level, and it would be impossible to separate the learner from the context of writing strategies instruction in this longitudinal study.

Sections in the SCQ

The sections in the SCQ that investigate the use of writing strategies, CALP skills, levels of writing purpose, languages used for writing, proficiency, and writing strategies instruction as factors developing competency in the genre of scholarly legal writing derive from sources other than Jasser, Khanj and Leaver (2005) as well. For example, (a) problems in writing knowledge areas come from Hyland (2003) and Grabe and Kaplan (1996); (b) non-linear writing process skills come from Grabe and Kaplan (1996); (c) the names of the SCQ stages come from the Fajans and Falk (2005) scholarly writing process

model; (d) the idea of a legal writing process comes primarily from Ray and Ramsfield (2005); and knowledge-transforming strategies, based on Bereiter and Scardamalia (1987), come from Segev-Miller's (2004) strategies for intertextual processing or transforming.

Section 3.b of the SCQ derived from proficiency level descriptions characterizing written language use developed by the Interagency Language Roundtable (ILR), an organization of federal agencies. Statements describing accuracy refer to typical stages in the development of competence in their formal training programs. Emerging competence is said to parallel these characterizations, but often with different details. The ILR scale consists of descriptions of five levels of language proficiency, ranging from no proficiency (level 0) to functionally native proficiency (level 5). The ILR "plus level" descriptions are supplementary to the "base level" descriptions and are therefore not used in this study because learners' writing proficiency is not being tested, just described. Descriptions of ability (competence) for this study, ranging from Level 3 (*General Professional Proficiency*) to Level 5 (*Functionally Native Proficiency*), are presented in [Appendix A](#).

In sum, the SCQ synthesizes questions about language proficiency, language and literacy strategies, and levels of writing purpose from the L1 writing research literature with CALP and related skills from the L2 research literature that may or may not transfer appropriately from the L1 like summary, paraphrase and synthesis.

Common Underlying Proficiency

With respect to transfer, Cummins (2000) advances the theory that there is a common underlying proficiency (CUP) between languages. In the CUP model of

bilingualism, skills, ideas and concepts students learn are thought to transfer across languages, and experience with one language can promote the development of the proficiency underlying both languages, given adequate motivation and exposure. In other words, there may be "interdependence of academic skills and knowledge across languages (or what Riches and Genesee, 2006, describe as a reservoir of knowledge, skills, and abilities that underlie academic performance in both languages)" (Cummins, 2009, p. 383).

A key underlying idea for the SCQ is that an L1 skill, such as summarizing, could also be an L2 cognitive strategy when a student writer consciously employs it to achieve a specific purpose in scholarly legal writing (for example, knowledge transforming to produce academic work that deepens learning when writing from sources). Dole, Nokes, and Drits (2008) define cognitive strategies as learners' mental procedures to accomplish a cognitive goal, including how information is processed, organized, stored and retrieved from the memory system.

Categories with Items in the SCQ

For the categories with items in the SCQ, the researcher had to find and develop quantitative questions from the existing L1 writing, L2 writing, and L2 learning strategies research literature that closely approximate exact measures of the strategic competence and communicative competence variables of interest. The rationale was to select and adapt categories and items from existing research that could affect strategic competence for L2 legal writers at the level of professional (or higher) proficiency: that is, ILR Level 3 or higher.

In addition to the Jasser, Khanj and Leaver (2005) ILR Level 4 survey—and two

teacher-made questionnaires for (instrumental and academic) legal writing—the researcher used L1 and L2 sources to gather ideas relevant to scholarly legal writing at professional levels of professional proficiency in the following key categories:

- strategies for stages in the recursive writing process (pre-writing, drafting, revising);
- strategies for language learning and language use functions (that is, metacognitive, cognitive, affective, and sociocultural-interactive strategies);
- skills for language use and strategies for language re-use when writing from sources that develop deep CALP (summary, paraphrase, synthesis); and
- strategies for transforming knowledge when writing from sources that develop composing competence (expertise): conceptually, rhetorically, and linguistically.

Strategies for Stages

The SCQ is based on expert use of strategies for stages in the recursive writing process for bilingual or multilingual writers. The researcher gained permission from Janna Fox to use her "Inventory of Writing Strategies" (Fox, 1989), still in use at their Academic Writing Center and Writing Tutorial Service at Carleton University, Ottawa, Canada. She developed her inventory from research she undertook with professors and teaching assistants while she served as coordinator of their writing center. The questionnaire was used recently in educational research by Zakiya Al Naddabi with Fox as supervisor: "ESL Students' Language Learning Strategy Repertoires in EAP and ESP Contexts: Perceived Success and Pedagogical Mediation" (2006). The Fox questionnaire identifies strategies used by experts: that is, professors at Carleton when writing a paper. It is organized into three sections: (a) Pre-Writing Strategies, (b) While-Writing

Strategies, and (c) Revising Strategies/Before Submission/After Writing.

Validation of the strategies inventory. First, the strategies were elicited directly from the professors and teaching assistants (TAs). Then when the checklist was developed, Fox used "a members check" (Lincoln & Guba, 1985) or informant feedback with the same group to validate it. After that, she used it with other disciplinary groups, adding and revising some of the strategies for clarity. The questionnaire has "stood the test of time"; it is still used in 2009—twenty years after its initial development (Fox, personal communication, June 22, 2009).

Students taking this questionnaire are told to compare their writing strategies with those used by the professors (experts). Students are also told that there is no one way to write, but if they find that they are checking "never" most of the time, they may consider trying some of the other strategies to improve their writing—and possibly make the writing process easier.

This writing survey is useful from both a research and a pedagogical perspective. First, international students coming from EFL environments are not as familiar with writing strategies, process writing, or process-oriented pedagogies as ESL students or native English speakers are in the North American educational milieu (Hedgcock, 2005). Second, research within the L2 learning fields of English for Specific Purposes (ESP) and English for Academic Purposes (EAP) suggests that international student writers in a U.S. graduate setting may not treat writing as a process that includes rewriting for a target audience or composing in the revision stage (Myles, 2002). Strategies for composing in the SCQ for this study are therefore most numerous in the revision stage.

Strategies for Language Learning and Language Use

The integration of strategies for stages of writing in the SCQ with strategies for language learning and language use originates with this researcher's "Students' Strategy Inventory for Language Learning (SSILL) and Advanced Writing" based on Oxford (1990). The advanced writing section of the researcher's 2007 questionnaire was also influenced by the "Inventory of Writing Strategies" (Fox, 1989). The researcher's strategy questionnaire for Master of Laws (LL.M.) students, along with a parallel one for their legal research and writing instructors (experts), gathers information about how foreign-trained lawyers using English go about learning legal English and writing analytically in L2 English. It examines the frequency of students' use of language learning strategies and their utilization of these strategies in a specific legal memo (instrumental) writing task for an IRB approved study. The classification scheme of metacognitive, cognitive, affective, and sociocultural-interactive strategies for that proposed study is also relevant to the discussion of writing strategies in this dissertation research study.

Skills for Language Use and Strategies for Language Re-Use

The inclusion of cognitive skills for language use (that is, summary, paraphrase, synthesis) when writing from legal sources in the SCQ comes from professional experience teaching L2 graduate student writers, and L1 and L2 undergraduate student writers, using college level texts for native English speakers like *Writing From Sources* (5th ed.) by Brenda Spratt (1999).

International graduate students are known to come to the U.S. to study with contrasting ideas about academic writing and the role played by cognitive academic language skills in the academic writing process and domain learning situation. Writing research in Contrastive Rhetoric, initiated by Robert Kaplan approximately 40 years ago,

explains how by researching rhetorical structures across languages to predict difficulties experienced by students learning to write essays (Cahill, 2003).

For this study, a pre-course questionnaire was used to discuss student participants' contrasting cultural ideas about academic writing before researching and writing their legal research papers (spring and fall, 2008). This preliminary writing strategies questionnaire was also research-based (Mu & Carrington, 2007); it is important because it created common ground for teaching, learning and researching U.S. scholarly legal writing. The Preliminary Writing Strategies Questionnaire can be found in [Appendix B](#).

At the very least, cognitive academic language proficiency (CALP)¹² in English is required for paraphrasing, quoting, summarizing, synthesizing and writing research from printed legal sources. Collier's (1995) research, for example, has shown that teachers must address all of the components of cognitive, language, and academic development equally to develop "deep" academic proficiency in a second language. Professional experience with L2 legal learners supports her work. Further, because "research on what aspects of literacy transfer from a learner's first language is conflicting" (Hyland, 2003, p. 35), the SCQ developed for this dissertation study includes items that address both L1 issues of literacy and L2 issues of language explicitly, for each stage of writing.

Similarly, the inclusion of strategies for language reuse when writing from legal sources in the SCQ has roots in academic writing research as well as in professional experience. A multi-case study, supervised by Bonny Norton¹³ at a major research university, explored the writing processes and challenges of fifteen (N=15) Mainland Chinese graduate students as they wrote disciplinary assignments and research proposals

¹² See Cummins, J. (2003). BICS and CALP: Origins and rationale for the distinction. In C. B. Paulston & G. R. Tucker (Eds.), *Sociolinguistics: The essential readings* (pp. 322-328). London: Blackwell.

¹³ Bonny Norton is known for her work in L2 learner identity.

during their first two years at the university. The researcher of the study challenged the traditional notion of plagiarism in his dissertation, arguing that language reuse can be reconceptualized as a textual strategy in the development of ESL students learning and using disciplinary language and content (Hu, 2001).

Because professional experience supports Hu's (2001) notion of language reuse as a textual strategy—especially for writers who come from different orthographic systems (for example, Arabic, Chinese, or Korean)—language re-use with full citation becomes a strategy for research writing in the SCQ that is associated with L2 academic language and L2 legal literacy. Proper citation is required in any U.S. legal writing situation, and L2 legal learners need to understand how to compose with citation to avoid five types of plagiarism—"a form of theft" in the U.S. law school context: (Contento, 2009):

- using ideas without attribution;
- using exact words without quotation;
- quoting without attribution;
- paraphrasing without attribution; and
- summarizing without attribution.

Composing with citation in scholarly legal writing context means not only keeping track of sources and showing relationships, but also thinking critically and independently in L2 academic and L2 legal English. Composing with citation, in other words, means constructing new knowledge through legal research. Academic (legal) writers in the U.S. must show (a) what authority is predominant; (b) how the sources of authority are linked; (c) what weight to give each in coming to a conclusion; and (d) comment with critical thinking, a practice that may contrast with their first academic legal culture. Thus, writing

from L2 legal sources is an act of disciplinary literacy (vs. individual or cognitive literacy) in the United States. It is a social activity with depth and complexity of understanding and proficiency growing from interaction with L2 text and with others across academic legal systems and cultures of scholarship. Writing from L2 legal sources as an act of (high) disciplinary literacy provides impetus for this dissertation research.

Strategies for Knowledge-Transforming When Writing from Legal Sources

Writing from sources, also known in the research literature as discourse synthesis, is a common but cognitively demanding academic reading-writing task requiring students to *select, organize, and connect* content from source texts as they compose their own texts (Segev-Miller, 2004). Transforming strategies relevant for discourse synthesis in the SCQ derive from Segev-Miller's (2004) research study called "Writing from Sources: The Effect of Explicit Instruction on College Students' Processes and Products." These are important because academically valued writing is assumed to require composing skills which transform information or transform the language itself (Grabe & Kaplan, 1996).

Drawing from discourse synthesis research, Segev-Miller defines (a) *process quality* in terms of the strategies relevant to the performance of the task (that is, a literature review), and (b) *product quality* in terms of the selection, organization, and connection of relevant information from source text (2004). Her subjects (N=24) attributed improvement in their post-instruction processes to the effect of explicit instruction in three major categories: (a) knowledge of transforming and relevant cognitive and metacognitive strategies; (b) motivation and self-efficacy; and (c) self-reassessment as learners. The subjects assessed their post-instruction products to be of higher quality than their pre-instruction products with regard to three criteria: (a)

inventing a macroproposition (when synthesizing), (b) organizing an appropriate rhetorical structure; and (c) linguistically transforming the information. These and other related strategies for transforming knowledge that have been found to develop composing competence (expertise)—conceptually, rhetorically, and linguistically—have been included in an instrument for researching strategic competence, the SCQ, using different terminology.

SCQ Summarized

In sum, the SCQ is a research-based, multi-stage instrument employed within the L2 social-cultural context of a U.S. academic legal writing intervention with the potential to disclose the changing nature of variables that influence strategic competence for L2 academic legal English communication. The instrument recalls Pritchard and Honeycutt (2006) who suggest that writers use procedural strategies for going through the writing process to generate text and other strategies to develop schemata. According to the authors, "other strategies" (a) help writers understand the context for writing; (b) tap general background knowledge and reading ability; (c) sharpen cognitive processes for problem-solving; (d) create emotional dispositions and attitudes for problem-solving; (e) develop micro-level skills such as sentence construction; and (f) develop macro-level understandings about organization, conventions, cohesion, topic, genre, and audience "to name a few" (Pritchard & Honeycutt, 2006, p. 285).

Summary of the Literature Review

To summarize Chapter 2, the literature review informed the research questions, the dynamic research design, the research context, and the Strategic Competence

Questionnaire as a research-based instrument that explores strategic competence in this study. The literature review also created a focus on writing (literacy) strategies, language (literacy) skills, writing strategies instruction, and product comparison of learner self-assessment with writing teacher-researcher assessment at each stage of the scholarly legal writing process (that is, pre-writing, drafting, and revising).

In addition, the literature review provided foundation for the conceptual framework of the study based on (a) Vygotsky's (1978) dialogic model of teaching and learning in which the learner interacts with a “more competent other” at each stage (pre-writing, drafting, revising) of the scholarly writing process to produce expert quality text; (b) Alexander's (1997, 2003) Model of Domain Learning which links knowledge, motivation, and strategies across three stages of increasing expertise to explain L2 writer development in the scholarly legal writing process; and (c) Canale and Swain's (1980) discussion of communicative competence with a focus on strategic competence for scholarly legal writing at the level of professional proficiency (or higher). As stated in Chapter 1, the conceptual, or theoretical, framework views L2 scholarly legal writing as developmental learning in two domains (language and law) and as socialized cultural practice.

In the next chapter (3), the mixed methods used in carrying out this study are presented and explained.

CHAPTER 3: METHODOLOGY

This chapter explains the methods used in carrying out the study. The methodology evolved over time and took definite shape as the study progressed (Glatthorn, 1998). Sections of this chapter include the research questions, research design, report on validity, research context, research participants, instrumentation, how the methodology relates to theory development, and summary of the methodology.

Research Questions Related to Purpose

The study's *research purpose* was to disclose the dynamic, changing nature of (learner-internal and learner-external) variables that influence strategic competence at the level of professional (or higher) writing proficiency at recursive stages of scholarly writing (that is, pre-writing, drafting, and revising). Based on this purpose, four post-intervention writing research questions guided this study.

Research Question 1

For each stage of the scholarly L2 legal writing process, what are the learners' reported use of writing strategies and cognitive academic language proficiency (CALP) skills?

This question was addressed by specific categories on the *Strategic Competence Questionnaire* (SCQ) identifying literacy strategies and language skills for each stage of scholarly legal writing—variables from the first and second language writing research literature related to strategic competence and professional level writing proficiency.

Research Question 2

For each stage of the scholarly L2 legal writing process, which writing strategies and CALP skills do the learners think are the most useful and why?

This question was addressed by the *Interview Protocol* (IP) with quantitative SCQ items to stimulate recall. The IP probed the helpfulness of strategies used from the SCQ self-reports to yield qualitative data.

Research Question 3

For each stage of the scholarly L2 legal writing process, what are the learners' and teacher quality ratings of the learners' scholarly L2 writing product?

This question was addressed by the *Student's Quality Assessment Tool* (SQAT) and the *Teacher's Quality Assessment Tool* (TQAT) with specific items and genre categories from the scholarly legal writing literature that relate to strategic competence and professional level writing proficiency.

Research Question 4

For each stage of the scholarly L2 legal writing process, what interrelationships can be seen among (a) learners' writing strategies and cognitive academic language proficiency (CALP) skills, and (b) learners' and teacher quality ratings of the learners' scholarly L2 writing product?

This question was addressed in the Discussion, Chapter 6, after data analyses of all the variables that relate to strategic competence and professional proficiency, based on all the instruments, had been made.

Design of the Study

This is a descriptive, mixed methods, longitudinal study that explores dynamic factors—changing variables—that influence strategic competence for L2 Master of Laws (LL.M.) students learning scholarly writing. Descriptive research within the context of this longitudinal study means statistical (quantitative) and interpretative (qualitative) analyses of variables that affect strategic competence and professional level (or higher) writing proficiency to enhance student writer performance where there is no manipulation of the variables. Descriptive studies typically make primary use of questionnaires, interviews, and observations (Glatthorn, 1998).

Mixed Methods Concurrent Triangulation Multi-Stage Design

A mixed methods concurrent triangulation multi-stage design was used, a type of mixed design in which different but complementary data were collected at the same time on the same research topic, strategic competence. According to Creswell (2003), "this mixed methods model has many strengths" (p. 218). These include: (a) two types of data can be collected simultaneously during a single data collection phase or stage; (b) the researcher can gain different perspectives from the two types of data; and (c) the researcher can gain perspectives from the different stages within the study. In addition, the design is efficient because both types of data can be collected during the same stage of the research at roughly the same time. It is also convenient because each type of data can be collected and analyzed separately and independently, using the techniques traditionally associated with each data type (Creswell & Plano Clark, 2007).

Triangulation

This design allows "triangulation," in which quantitative and qualitative methods were implemented during the same time frame and with equal weight in stages corresponding to the writing process (that is, pre-writing, drafting, and revising). The reason for collecting both quantitative (numeric) and qualitative (written and spoken text) data was to bring together the strengths of both forms of research to cross-validate or triangulate the results.

The qualitative data also enriched and deepened understanding of variables affecting strategic competence related to the students' process of scholarly L2 legal writing. Integration of the approaches occurred in data collection with both quantitative and qualitative data collected at each stage. Then the findings from each stage of data collection were merged into an interpretation for each stage of research and finally into one overall interpretation.

Worldview

The primary worldview underlying this mixed (quantitative and qualitative) design for a descriptive study is *pragmatism*, using questionnaire, interview, and measurements of writing quality for research procedures. The pragmatist worldview orients the study toward practice, "what works" and solutions to problems, deriving from the work of Peirce, James, Mead, and Dewey (Cherryholmes, 1992; Creswell, 2003; Creswell & Plano Clark, 2007; Oxford, forthcoming). What has been shown to work through the data collection instruments in this research study is strategies for L2 legal writers that help them know about scholarly writing in U.S. academic legal culture so they can make the shift from writer-centered to reader-centered writing. Making this shift is necessary because of the fundamental socio-cultural expectation of U.S. legal readers

that the writer is responsible for successful communication, not the reader as in other academic cultures. The reader (that is, the law professor) in U.S. legal culture wants to know what the writer (that is, the L2 law student) is thinking. Two common features of U.S. prose style that contrast with prose styles used in other languages and academic cultures is directness and explicitness (Oates & Enquist, 2009). These are features of plain English writing style that can be taught so that L2 legal writers can (a) write clear sentences that can be understood the first time they are read, and (b) make a complicated topic easy for a reader to understand (Oates & Enquist, 2009).

It is not easy for an L2 writer to show analytical legal thinking in L2 English academic writing, especially when the writer comes from a different academic culture with different cultural assumptions about readers and the purposes for writing. So this mixed design claims knowledge through an *advocacy/ participatory approach* in the tradition of Brazilian lawyer and language teacher, Paulo Freire (1921-1997). A most important and influential writer on the theory and practice of critical education in the twentieth century, Freire remains extremely influential today (Apple, Ganddin & Hypolito, 2001). He advocated collaboration, empowerment, and voice for the participants (Creswell, 2003). Emancipatory education for Freire was not simply transmitting knowledge (as in a law school lecture warning against plagiarism), and knowing was not simply accumulating facts or information, "what he called 'banking'. Rather, knowing is constructing oneself as a subject in the world, one who is able both to rewrite what one reads and to act in the world to radically alter it" (Apple, Ganddin & Hypolito, 2001, p. 130). Freire's idea of knowing pertains not only to international lawyers but to human rights scholars who cross cultures when researching, writing, and

working for change in academic English. Freire's idea of knowing is related to transformation (personal growth) in education where the goal of the language and culture learner is to develop ability to accomplish tasks through self-assessment and a learner-centered syllabus (Leaver & Shekhtman, 2002) for autonomy in scholarly writing. Key features of the Freirean approach for adult literacy are dialogue and problem-solving, both of which are dealt with in this dissertation.

How the Design Operates

Figure 1 below shows how the design operates. In Figure 1, the purpose of Stage 1 (pre-writing) is "researching to learn"; Stage 2 (drafting) is "writing to learn"; Stage 3 (revising) is "writing to communicate"; and Stage 4 (publishing) is "rewriting to publish."

Stages 1, 2 and 3 Writing

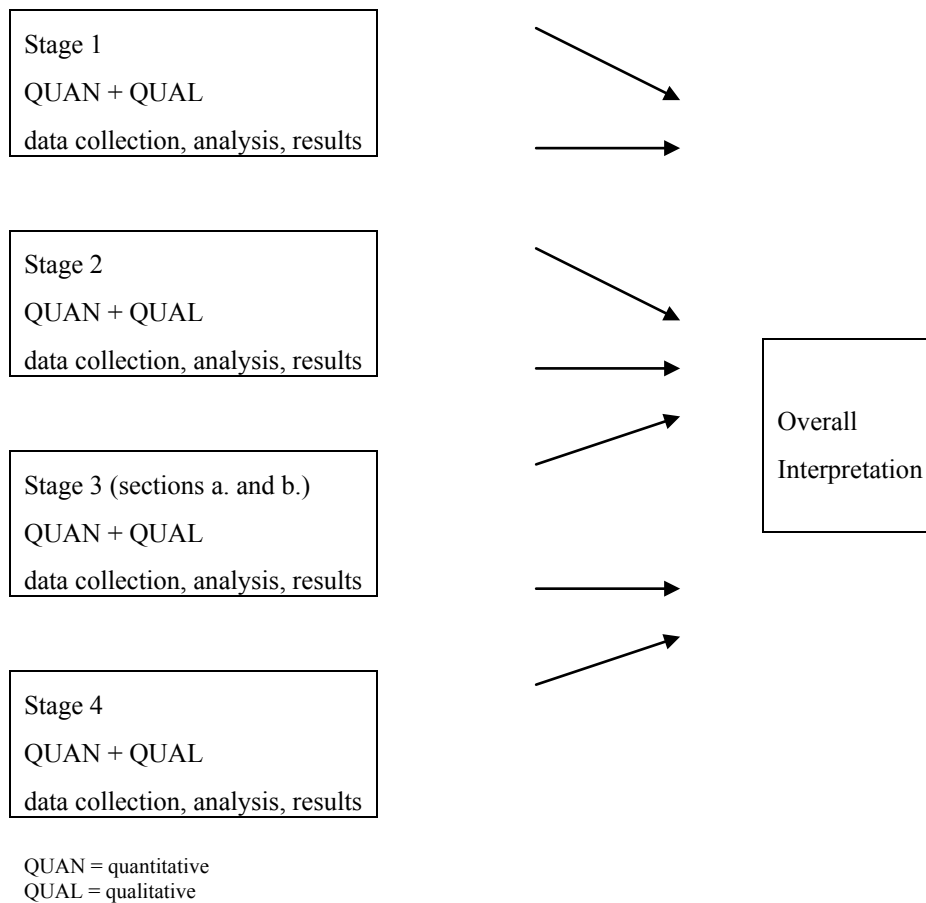
All participants (N=6) self-report on pre-writing (stage 1), drafting (stage 2), revising (stage 3.a), professional writing proficiency and formal instruction (stage 3.b) in this study. The section 3.b self-report at the end of data collection performs two functions. First, it signals the end of the intervention for students participating in this study (fall 2008). Second, it explores writing strategies instruction as a variable that relates to strategic competence when it affects development of an efficient writing process and an effective writing product at advanced levels ranging from professional level writing proficiency to functionally native writing proficiency (Leaver, 2005).

Stage 4 Publishing

Stage 4 data collection would have occurred if (a) a student's analytical legal research paper had been recommended for publication by the content law professor for whom the paper was written (fall 2008), and if (b) the student had had time to rewrite,

revise, or summarize the research for publication before the start of the next semester. If this were to have occurred for all or most of the student participants, the study would have extended into the winter 2009 semester.

Figure 1: Triangulated, multi-stage design



Reporting on Validity

Reporting on validity serves the purpose of checking the quality of the data and the results. In addition to triangulation, previously mentioned, a minimum of six strategies were used to determine validity for (a) the instruments and (b) the qualitative findings in this dissertation research. Strategies for qualitative findings are presented here, under this chapter heading. Under Instrumentation, Chapter 3 presents validity and

reliability for each research instrument.

First, *member checking* was used in which the investigator took preliminary findings back to student participants to check (a) the quality of data, and (b) the rhetorical structure for presenting the data so dissertation results would be clear and meaningful. After preliminary analyses (March, 2009), the researcher asked student participants to reflect whether findings for the first three research questions (RQ) accurately described the participants' process (RQ 1 and 2) of scholarly legal writing and whether the researcher's interpretation of participants' language output and writing product (RQ 3) at each stage of writing was accurate and comprehensive.

Second, the investigator *presented disconfirming evidence*: that is, a perspective from one teaching colleague and peer reviewer that is contrary to the one established in the L2 writing research evidence. Reporting disconfirming evidence "confirms the accuracy of the data analysis, because in real life, we expect the evidence for themes to diverge and include more than just positive information" (Creswell & Plano Clark, 2007, p. 135). This teacher's point of view proved enriching because in education, there may a divergence between research and pedagogical perspectives. In this study, writing strategies for inclusion on the questionnaire were chosen from a writing research perspective, with implications for teaching—not the reverse.

Third, the investigator *asked others to examine the data* such as "peers who are familiar with qualitative research as well as the content area of the specific research" (Creswell & Plano Clark, 2007, p. 134). Oxford (forthcoming) calls this strategy "peer debriefing." Yalun Zhou, a Ph.D. candidate and co-editor of conference proceedings concerned with teaching and learning to near-native levels of language proficiency, was

asked to examine 15%-20% of the qualitative data (presented in Chapter 5).

Fourth, the investigator *spent prolonged time in the field*. While (a) preparing for data collection, (b) analyzing the data after it had been collected, and (c) writing the dissertation after analyzing the data, the researcher-writing teacher engaged with the LL.M. population within the context of two more writing interventions (spring and fall 2009). She used the same research instruments as descriptive (not prescriptive) tools for teaching and learning scholarly writing. They proved effective.

Fifth, the investigator engaged in *thinking theoretically* with macro and micro perspectives throughout the process of analysis and presenting the results. She engaged in *theory development* by moving with deliberation between a micro perspective of the data and a macro conceptual/theoretical understanding when revising the dissertation chapters multiple times. Theory development is related to *theoretical validity* (Oxford, forthcoming).

Finally, at the end of the study, the investigator considered *predictive validity*: that is, validity of a measurement tool that is established by demonstrating the ability of the measure to predict the results of an analysis of the same data made with another or measurement tool (Mosby, 2009). Research results confirm that the research tools developed for this study predict enhanced student performance in a scholarly legal research paper or article. Specifically, the questionnaire exploring strategic competence in this study predicts communicative competence and high communicative precision in a scholarly legal research paper measured by the study's (formative) assessment tools and content law professors' (summative) assessments of the student participants' legal research papers. The study's quality assessment tools predict planning competence (stage

1 writing), genre competence (stage 2 writing), and communication competence (stage 3 writing) for L2 legal writers.

Predictive validity is related to *content validity* in this study because the process of research writing for participants was associated with content learning as well as communicating analytical thinking and original conclusions to a law school educated reader in L2 academic English. Student participants demonstrated control of legal content, academic legal writing, and proficiency in academic legal English in their research papers. Validating summative assessment by their law professors is reported for each student participant.

Research Context

The study was conducted within the context of an international studies program at a northeastern university law school: one of the top ten rated Master of Laws (LL.M.) programs in the United States. Written IRB approval was needed from this institution as well as from the researcher's institution. For purposes of confidentiality, the law school will not be named in any articles or publications that may result from this research.

The writing intervention was an academic research writing course that (a) supports LL.M. students throughout the process of writing one or more legal research papers from legal English sources until publication, and (b) explicitly shows developing LL.M. writers how to use CALP skills and writing strategies in U.S. legal context to avoid plagiarism: that is, skills for (legal) language processing and literacy strategies for (legal) reading and (legal) writing typically embedded in generic research-paper writing requiring higher-order thinking, analysis, synthesis, and evaluation required of all

graduate students.

Research paper writing for graduate law students who intend to publish is considered a form of *scholarly legal writing*, one of two major genres in U.S. law school context.¹⁴ It has been defined as writing for academic legal purposes¹⁵ (for example, law school seminar papers and law review articles). This kind of expository writing for law school contrasts with *instrumental legal writing* which is writing for law practice (for example, briefs and legal memos). As previously mentioned, both types of writing for law school can be seen as intentional, reasoned, and oriented to problem-solving. Although some steps in reasoning may be assumed in other cultures or disciplines, steps in reasoning must be made explicit in U.S. legal writing culture (Ramsfield, 1997).

Writing Intervention

Before data collection, all the research participants underwent "long-term strategy training" (Oxford, 1990, p. 203). Although the Strategic Competence Questionnaire was not used as a teaching tool before this dissertation study, cross-cultural awareness of strategies was introduced to student participants through the Preliminary Writing Strategies Questionnaire, adapted with permission from Mu and Carrington (2007), Appendix B. Two other short questionnaires created a professional profile and language learning history for each class member. These were followed by two strategies questionnaires. One was a 48-item questionnaire specific to legal memo writing: that is, the Questionnaire of Strategies Affecting Professional Proficiency in Instrumental Legal Writing for International Legal Studies. The other was a 100-item questionnaire specific to learning legal English and academic legal writing based on Oxford (1990): that is, the

¹⁴ The term "scholarly legal writing" was used by Fajans & Falk (1995; 2005) and later, the term "academic legal writing" was used by Volokh (2003; 2007).

¹⁵ The term "English for academic legal purposes" is attributed to Simon Harris, 1992.

Students' Strategy Inventory for Language Learning (SSILL) and Advanced Writing.

These questionnaires, taken at the end of class at different times throughout the semester, raised consciousness for students as they shared their favorite strategies and learned new ones that could help them draft original, authentic text and avoid plagiarism. Explicit strategies instruction occurred when students asked questions or posed problems as they moved through the writing process.

Role of the Teacher

The role of the teacher was to guide the students through their writing process and help them develop disciplinary and genre-appropriate strategies for generating, drafting, and refining text without focusing on surface-level English corrections until the end (Raimes, 1992; Hyland, 2003). The approach to teaching strategies was never prescriptive but was explanatory when related to strategies taken from the L1 research and legal writing pedagogical literature: that is, strategies for (a) discourse synthesis; (b) knowledge-telling and knowledge-transforming; and (c) precision and conciseness.

Where the Students' Understanding of Their Own Strategies Came From

Students' understanding of their own strategies came from taking the in-class questionnaires and keeping a reflective journal with open-ended questions. For example, students were asked to describe the following: (a) their major law school writing task for the semester, (b) the kinds of knowledge they thought they would need to perform their task, (c) what would make them anxious about writing a legal research paper, (d) their process for choosing a suitable research topic and any related difficulties, (e) how research writing purpose might relate to claim/thesis/argument and any related difficulties, and (f) their reflections based on the Fajans and Falk (2000) scholarly writing process

model at the time they were writing. Based on Alexander (personal communication, spring 2007), students' journals were dialogic with the writing teacher responding to students' reflections and questions, individually and collectively. In sum, students' responses to the reflections and to the items on the questionnaires guided the consciousness-raising discussions of strategies in class and facilitated contrasting approaches to students' prior academic writing habits and experiences.

Scope of Strategy Training

The academic legal writing course not only raised student participant awareness of expert legal reading and writing (disciplinary literacy) strategies and language skills from the literature but also dealt with their beliefs about writing and their self-confidence as L2 legal writers. For example, a teacher-made questionnaire based on Casanave (2004) asked students how they characterized "improvement in their scholarly (critical) writing" and what they believed about graduate-level research writing from sources, explicit instruction, and feedback. "Unless learners alter some of their old beliefs about learning [and writing], they will not be able to take advantage of the strategies they acquire in strategy training" to avoid plagiarism and construct new knowledge in L2 English (Oxford, 1990, p. 201). Like L2 learning, L2 writing requires "active self-direction" on the part of the learners to reach professional levels of communicative competence (Oxford, 1990, p. 201). In addition to cognitive and metacognitive strategies, social strategies became very important for student participants to communicate effectively as professionals with their law school professors.

Research Participants

The study focused on six students (N=6) enrolled in an advanced English for legal research writers' course during two different semesters: fall 2008 (N=3) and spring 2008 (N=3). Law, language, culture, and identity merge when multilingual writers learn to use strategies and skills to produce quality text and construct knowledge for law school seminar papers and law review articles within an academic semester (14 weeks).

Differences

Two levels of graduate students participated in this study: three students were entering the LL.M. program and three students were exiting the LL.M. program. The three fall 2008 student participants were novices acquiring language of the law (that is, legal English) at the same time as they were acquiring knowledge of basic legal concepts of American common law in a second academic legal culture (C2). The three spring 2008 law students, in contrast, had more experience writing analytical research papers using academic English and legal English because (a) they were more fully acculturated into the LL.M. program, and (b) they had already completed the advanced English course. Like the fall 2008 student participants, the three spring 2008 participants differed in terms of spoken and written language proficiency which includes the use and understanding of academic English (CALP) in legal context.

At one end of the language learning continuum was an LL.M. student participant who had previously earned a J.D. degree from a U.S. law school with English as her first academic language. At the other end of the language learning continuum was a Ph.D. law student from Italy who had enrolled in the WCL summer legal English course with only a modicum of productive English skills before entering the LL.M. degree program. The third spring 2008 participant was a polyglot with three academic languages who, prior to

entering law school in her home country, had planned on becoming an interpreter. English is her third academic language. This linguistic range and these (acculturated/non-acculturated) levels in student sampling contribute variability to the study.

Languages used by these research participants before studying law and scholarly writing in U.S. legal English context are the following:

- native Mbo; foreign English, French: *Cameroon*
- native Italian; foreign English: *Italy*
- native Arabic; foreign English, French: *Palestine*
- native Romanian; foreign English, French, Russian: *Republic of Moldavia*
- native Ukrainian; foreign Russian, Polish, English: *Ukraine*
- native Urdu, English; foreign Spanish, Arabic: *U.S.*

Similarities

Before coming to the U.S. to study law with English as the medium of instruction, none of the LL.M. student participants in this study had been exposed to: (a) formal academic writing instruction or ESL instruction at advanced levels; (b) concepts like legalese and plain English that characterize "style" in legal writing at the level of professional proficiency; (c) techniques and strategies for achieving "ABC legal writing style" for accuracy, brevity, conciseness in writing from primary and secondary legal sources; or (d) process writing that puts the onus for communication on the writer, not on the reader as in some other academic legal cultures.

All six participants in this study were engaged in the process of writing a scholarly legal research paper for various LL.M. (credit) courses and law school professors, fall 2008. All were motivated lawyers who had enrolled in the 2008 (non-

credit) advanced English course to learn more about how to use L2 (academic and legal) English for composing and publishing a scholarly legal research paper. Through second language awareness and writing strategies instruction, all had been learning to tailor their language (writing output) to their audience and to their purpose of communicating—a hallmark of distinguished language use. "Integration of language, meaning, and social context is essential for really effective Distinguished language use," according to Ehrman (2002), as is a "maximization of sophisticated choices" (p. 245).

Advantages of Self-Report

Although there are limitations to self-report as a method for collecting data (Chapter 1), there are advantages as well. Cohen and Scott (1996) assert that self-report measures may be "the most viable" means for obtaining empirical evidence as to strategy use (p. 95). Self-report is a type of verbal report for collecting data that allows for detailed description of what learners do for increased understanding of language learning and language use (Cohen & Scott, 1996). Research suggests that self-report and protocol analysis can be advantageous in a well-planned research design by (a) revealing in detail information attended to while performing tasks, (b) eliciting information about conscious processing associated with the writing process, and (c) acting as a measure for predicting behavior (Cohen & Scott, 1996). Self-report provides mentalistic data regarding cognitive processing that contrasts with naturalistic observation used by psychologists and other social scientists that involves observing subjects in their natural environment (Cherry, 2010). While classroom observation may produce "indications or clues as to the strategies learners use," self-report is the method that provides instances of actual strategy use

(Cohen & Scott, 1996, p. 95).

Two types of verbal report were used as sources of data in this study: the written questionnaire and the oral interview. Data obtained from the written questionnaire were uniformly organized for all student participants. They lent themselves to (quantitative) statistical analysis and to (qualitative) uniform description of participants' academic writing processes. Data obtained from oral interview, used in conjunction with probes about student responses to the written questionnaire, sought clarification and elaboration, "allowing the researcher and learners to pursue topics of interest which may not have been foreseen when the [written] questions were originally drawn up" (Cohen & Scott, 1996, p. 91). Together, the written questionnaire and the oral interview worked together so that "the researcher and the learner could generate a description of the most important aspects of the learner's strategy use" at each stage of writing (Cohen & Scott, 1996, p. 92). A composite profile is given after quantitative data analyses (Chapter 4).

Instrumentation

Four research tools that enhance student performance were developed and adapted for this study. The research instruments included a questionnaire, an interview, and student and teacher measurements of writing quality. The substance of the questionnaire exploring strategic competence as a component of communicative competence was developed from the research literature as described in Chapter 2, Part II. The interview and the assessment tools were developed as triangulation measures, and their development is described below, in this chapter.

Together, the four instruments collected quantitative and qualitative data for each

stage of expository legal writing at multiple time points. They are all named and described below with sample items listed. Also in this chapter, information is given about validity and reliability for each instrument:

- Strategic Competence Questionnaire (SCQ), a primarily quantitative instrument;
- Interview Protocol (IP), a qualitative instrument used with the SCQ to stimulate recall;
- Student's Quality Assessment Tool (SQAT), a quantitative instrument; and
- Teacher's Quality Assessment Tool (TQAT), a quantitative instrument.

Description of the Strategic Competence Questionnaire (SCQ)

This research-based instrument is a structured, task-oriented, 38-item questionnaire also known as *actual-task strategy assessment* (Oxford, forthcoming). The questionnaire presents a range of strategic choices for analytical (expository) writing from legal sources within general normative constraints of university students writing research papers for academic domain courses. The SCQ was implemented in three separate stages (pre-writing, drafting, revising) to collect data from each participant during the actual process of writing a legal research paper, fall 2008 semester. The fourth (publishing) stage was not implemented due to the time constraints of the winter semester which was very short. It was found that students are likely to have more time to submit to law journals after the spring semester.

The SCQ investigates the use of writing strategies, CALP skills, levels of writing purpose, languages used for writing, and writing strategies instruction as factors or variables affecting strategic competence. In the SCQ these are nominal categories that

interrelate or shift partnerships, developing learner competency or proficiency across stages in the genre of scholarly legal writing. The categories and the rationale for item selection are described below.

Rationale for Item Selection

After a thorough search of the of the L1 and L2 research literature, the researcher used two questionnaires as a base for her written questionnaire: (a) the Jasser, Khanj, Leaver (2001) 25-item learner/user questionnaire for acquiring advanced professional proficiency in L2 English writing, and (b) Fox's (1989) 47-item Inventory of Writing Strategies which identifies strategies used by L1 experts in the recursive writing process. The rationale was to create a self-report instrument that could investigate the use of expert strategies relating to professional levels of proficiency in the academic legal writing of graduate students whose native spoken language was not English but whose first academic language included English.

With permission, the researcher used relevant items from these base questionnaires (described in Chapter 2) and synthesized them with items from two in-class questionnaires: (a) the 48-item Questionnaire of Strategies Affecting Professional Proficiency in Instrumental Legal Writing for International Legal Studies, and (b) the 100-item "Students Strategy Inventory for Language Learning (SSILL) and Advanced Writing" based on Oxford (1990). Items selection was filtered through the researcher's teaching and learning experience with L1 and L2 academic legal writers who were mostly international students, including one native English speaker from Canada.

The process of synthesis included removing any redundant or poorly-written

items and adding the following items from the L1 and L2 research literature: (a) expert legal reading strategies, useful for writing from legal sources, based on Oates (1997) and Bain Butler (2004); (b) language re-use as an L2 writing strategy from Hu (2001), (c) 14 transforming (discourse synthesis) strategies based on Segev-Miller (2004); (d) 4 iterative language processing skills based on Spatt (1999), and (e) 18 grammar strategies based on Oates and Enquist (2005). In sum, the researcher selected items that could uncover factors affecting strategic competence for professional (or higher) proficiency in the scholarly writing of her L2 legal students who were using L1 legal writing texts.

Competence-Related Constructs

Competence-related constructs underlying the SCQ include the following: the writing process as developmental stages in scholarly legal writing, domain knowledge and writing knowledge necessary for scholarly legal writing, more than one language used for scholarly legal writing, L1 academic writing proficiency, L1 academic legal culture, research writer interest, purpose and levels for composing a legal research paper in English, writing strategies for knowledge telling and for knowledge transforming, discrete language abilities that define professional level writing proficiency and higher, learner response to writing strategies instruction, and learner response to different kinds of feedback for scholarly legal writing. An interactive and developmental view helps to understand scholarly legal writing as a dynamic or changing construct in relation to students' cognitive development and learning in U.S. (social-cultural) disciplinary context.

The SCQ is a numerical questionnaire with two open-ended questions at the end of each stage of the questionnaire to get an accurate understanding of what respondents

want to say about factors affecting strategic and communicative competence (Nunan, 1992). The content of the SCQ is summarized in Table 1 below. The SCQ is explained narratively, stage by stage, after the table below.

Table 1: SCQ description (x38 questions total)

<i>Pre-Writing</i> (x9 questions)	<i>Drafting</i> (x6 questions)	<i>Revising</i> (x12 questions) <i>Proficiency and Instruction</i> (x5)	<i>Rewriting to publish</i> (x6)
Stage 1	Stage 2	Stage 3 (sections a. b.)	Stage 4 (tentative)
Reading to write strategies	Drafting strategies	Revising strategies Editing strategies Grammar strategies	Publishing strategies
Reading to learn:	Writing to learn:	Writing to communicate:	Writing to communicate:
CALP skills used	CALP skills used	CALP skills used	CALP skills used
Developing proficiency Areas of concern: (a)language/composition (b)knowledge	Levels of composing	Levels of composing Knowledge transforming	Levels of composing
Languages used	Languages used	Languages used	Languages used
Developing competency	Developing competency	Developing competency <i>3.b Checklist</i> defining abilities; Value of strategies instruction	Developing competency

Stage 1 in the Writing Process in the SCQ

At this stage, the SCQ contains nine items organized into six sections: *Reading to Write Strategies* with three sub-types: conceptual, rhetorical, linguistic; *Reading to Learn* (CALP) skills that may be used strategically when preparing to write from L1 or L2 legal sources: paraphrase, summary, synthesis, and analysis; *Developing Proficiency* through other legal writing activities; *Language, Composition, and Knowledge* areas of concern before scholarly research writing; *Use of Language* other than English for pre-writing; and two open-ended questions that ask about developing as a legal writer, linguistically

and culturally: that is, how writing strategies help develop linguistic proficiency, and how this pre-writing stage may be different from participant's L1 academic, linguistic, and cultural experience. In sum, the SCQ (stage 1) asks student participants to identify statements that best describe them while they were preparing to write the first draft of their major analytical legal research paper, fall 2008.

Some examples of items are: (*item 1*) I used these legal reading strategies to find a topic, thesis, or claim for my major analytical research paper, fall 2008; (*item 3*) I used these cognitive academic language skills to prepare to write the first draft of my major analytical research paper, fall 2008; and (*item 4*) I used these legal writing activities to develop my ability to write an analytical research paper, fall 2008.

Stage 2 in the Writing Process in the SCQ

At this stage, the SCQ contains six items organized into five sections: *Drafting Strategies*; *Writing to Learn* CALP skills that may be used strategically to draft from L1 or L2 legal sources; *Purpose and Levels of Composing* for this stage: that is, knowledge-telling (simply stating knowledge) and/or knowledge transforming (deepening level of understanding to include analysis, synthesis, evaluation of research); *Use of Language* other than English for drafting; and *Developing as a Legal Writer*, linguistically and culturally. In sum, the SCQ (stage 2) asks student participants to identify statements that best describe them while drafting their major analytical legal research paper, fall 2008.

Examples of items are: (*item 1*) I used these strategies for getting words and concepts down effectively on paper while drafting my major analytical paper, fall 2008; (*item 2*) I used these cognitive academic language skills for effectively drafting my major analytical paper, fall 2008; (*item 3*) I used these broad levels of writing purpose for

effectively drafting my major analytical paper, fall 2008.

Stage 3 in the Writing Process in the SCQ

Section 3.a. To end the process of writing the scholarly research paper, the first section of the SCQ for stage 3 contains 12 items organized into eight sections: *Revising Strategies*; *Editing Strategies*; *Grammar Strategies*; *Writing to Communicate* CALP skills that may be used strategically to write analytically from L1 or L2 legal sources; *Purpose and Levels of Composing* (as in stage 2); *Knowledge Transforming* strategies that deepen "level of understanding to include analysis, synthesis, evaluation of research"; *Use of Language* other than English for revising; and *Developing as a Legal Writer*. In sum, the SCQ (3.a) asks student participants to identify statements that best describe them while they were revising their major analytical legal research paper, fall 2008.

Section 3.b. The second section of the SCQ for stage 3 contains five items organized into two sections that signal the end of the scholarly writing intervention and data collection for the participants in the study. The sections contain (a) a checklist defining abilities for three levels of professional proficiency in writing, and (b) some closed-ended questions about writing strategies instruction as a tool or learner support for developing an efficient writing process and an effective writing product. In sum, student participants were asked to identify everything they "can do now in legal (expository) writing" after revising their major analytical legal research paper for fall 2008

Examples of quantitative checklist items defining abilities are: (*item 1 for General Professional Proficiency*) I can write without the kind of errors that may interfere with reader comprehension; (*item 1 for Advanced Professional Proficiency*) I can use English

to write accurately in both formal and informal styles pertinent to my professional school needs; (*item 1* for *Functionally Native Proficiency*) I can write and edit both formal and informal professional correspondence. Examples of quantitative closed-ended questions about writing strategies instruction as a tool or learner support are: (*item 2*) Check how important direct (explicit) writing strategies instruction was for you to develop an efficient writing process (all stages); and (*item 4*) Check how important direct (explicit) writing feedback was for you as a second language (L2) legal writer to complete your fall 2008 research paper (all that apply). To conclude, SCQ 3.b informs interpretation of the data at each stage and overall, with items that describe how student participants had been developing as scholarly legal writers throughout the interactive process of scholarly legal writing.

Stage 4 in the Writing Process in the SCQ

At this stage (that was not implemented in this longitudinal study at this time), the SCQ contains six items organized into five sections: *Publishing Strategies*; *Writing to Communicate* CALP skills; (3) *Purpose and Levels of Composing*; *Use of Language* other than English in this stage; and *Developing as a Legal Writer* in this stage. The SCQ (stage 4), had it been implemented, asks student participants to identify statements that best describe them while preparing to publish their major analytical research paper in English. As indicated previously, this stage of the SCQ was not implemented because only one of the student participants opted to rewrite a paper for publication in time for this study.

Examples of items are: (*item 1*) I asked myself if I could make the revisions my professor suggested; (*item 2*) I used these cognitive academic language skills for

preparing to publish my major analytical paper, fall 2008; (*item 4*) I used a language other than English in this (publishing) stage for rewriting my paper.

Summary of the Writing Process in the SCQ

The four stages of writing in the SCQ examined: (a) writing strategies, (b) CALP skills that may be used strategically for analytical writing from L1 or L2 legal sources, (c) levels of composing and writing purpose, and (d) languages subjects used for writing and developing competency at the different stages of the (recursive) research writing process: the Pre-writing "researching to learn" stage; the Drafting "writing to learn" stage; the Revising "writing to communicate" stage; and the Publishing "rewriting to publish" stage, if that were to have occurred at the time of the study.

Related to these four stages in the writing process, SCQ section 3.b examined (a) learner abilities and levels of proficiency in expository legal writing, and (b) strategies instruction as a tool or support for learner development at each stage and level of legal writing. SCQ 4 has been described as "tentative" in this dissertation to show that all student participants had the opportunity to rewrite and submit their paper for publication in a law school journal in the (very short) winter semester but did not take advantage of this opportunity at the time of this study.

Triangulation

Triangulation was used as a major form of instrument validation. For triangulation, results from certain instruments were compared with results from other instruments in specific ways. For the questionnaire, results from each stage of the SCQ were compared with results from the qualitative interview (IP) and then merged into an interpretation for each stage in the research writing process. These research results were then compared

with results from the SQAT and TQAT that evaluate participants' writing product and then merged into one overall interpretation that addresses the study's research purpose of disclosing the dynamic or changing nature of factors that influence strategic competence at the level of professional-level writing proficiency in scholarly L2 legal writing.

Field Test

The original, comprehensive, post-course version of the questionnaire was revised after being field tested in July 2008. Six graduate student L2 writers and three teaching colleagues were purposively selected. One former student and one teaching colleague had professional experience working with international lawyers using English as the *lingua franca*. Two former students and two teaching colleagues were from the same international legal studies program where the study took place. One graduate student writer was a native Spanish-speaker who performed a "thinkaloud interview" (Sudnam, Bradburn & Schwartz, 1996), and one peer reviewer was an L2 Ph.D. colleague from the University of Maryland in the Second Language Education and Culture program. Their expertise and feedback ranged from (a) novice to expert, (b) native to non-native English language speaker, and (c) generic to genre specific literacy in academic writing.

The twofold purpose of the field test was to: (a) determine the length of time respondents needed to complete the questionnaire, and (b) ensure respondents would be answering the same question (reliability). Field test results initially showed a range of time, from 45 minutes to three hours for one novice student writer with the lowest proficiency who had to use a dictionary to look up some unfamiliar words. Average response time was 1.38 hours (N=4). The questionnaire was subsequently revised so it

could be administered in stages to reduce average response time. To ensure reliability, respondents (N=6) were asked to identify questions with which they had difficulty responding on the questionnaire. Feedback from respondents was generally positive, but the field test determined that some changes needed to be made.

Changes based on field test. Substantive changes made to the questionnaire included the following to ensure that everyone would be answering the same question. First, professional terms were either omitted or defined. Second, definitions were used on the questionnaire for each stage of writing. Third, more examples of concepts or terms were included. Forth, the mixture of response scales was reduced so that there were more closed-ended checklist items and fewer open ended items.

Additional changes. Upon recommendation from the researcher's dissertation committee at the proposal hearing, October 2008, the length and scope of the questionnaire were further reduced to address the issue of respondent fatigue; student participants could now fill out the SCQ in stages corresponding to the writing process (described in Chapter 2). Additionally, the questionnaire was modified so that first-semester students learning scholarly legal writing for the first time could be included in the study—another Ph.D. committee recommendation. Questions pertaining to conceptual and rhetorical transformation strategies were therefore omitted in the SCQ to accommodate the un-aculturated participants who had not been exposed to writing research papers in U.S. L2 legal context before and who had not completed the advanced English course. Recalling positive research findings in the Segev-Miller (2004) study, the questionnaire was revised to disclose how L2 participants linguistically transform information to avoid relying on the language of the source text (plagiarism) in their

scholarly legal writing, difficult for even L1 writers.

End result. The revised instrument was named STRATEGIC COMPETENCE QUESTIONNAIRE (SCQ) FOR PROFESSIONAL PROFICIENCY IN SCHOLARLY SECOND LANGUAGE (L2) LEGAL WRITING FOR INTERNATIONAL LEGAL STUDIES. The questionnaire had a narrowed focus on factors for strategic competence and could be implemented in stages for real-time measurement in temporal sequence for students learning scholarly legal writing for the first time. See [Appendix C](#) for the SCQ (4 stages).

Validity of the SCQ

The process for validating the SCQ was similar to the process Fox (1989) undertook to validate her Inventory of Writing Strategies:

The strategies were elicited directly from the profs and TAs; then when the checklist was developed I used a 'members check' with the same group to validate it (Lincoln & Guba, 1985; 1989). After that, I used it with other disciplinary groups and added/revised some of the strategies for clarity. It has stood the test of time: it's still used in 2009 -- twenty years after its initial development. (Fox, personal communication, June 22, 2009)

In contrast to Fox's reliance on L1 professors' strategies for validating her inventory, however, the strategies for this Ph.D. study came from the L1 and L2 writing research literature filtered through L2 writer feedback in scholarly legal writing interventions (approximately 5 years).

After the checklist for the SCQ was developed from these different sources, the researcher used expert review of criteria from member checks that included the following: two post-intervention scholarly legal writing students; one legal English

writing teacher; one legal English expert (J.D. /M.A. TESOL); three different kinds of L2 expository writers at the level of professional (or higher) writing proficiency; and one language learning strategies expert to validate it. With this expert feedback, the SCQ quantitative checklist of strategies for each stage of the scholarly legal writing process was revised for accuracy, clarity, and concision.

In sum, every quantitative item in the SCQ was validated by (a) adequate representation of relevant types of strategies based on primary sources (content validity); (b) expert-judgment on this theoretical construct (construct validity); and also (c) a "think-aloud interview" (Sudnam, Bradburn & Schwartz, 1996) with one other field test participant, a graduate student writer who works professionally with legal English writers in an international not-for-profit organization, who gave immediate, reflective feedback on each SCQ item (response validity).

For the open-ended questions on the SCQ, validity was similarly established through expert member-checking and triangulating the data. No disconfirming evidence was reported, although a highly educated native English speaking peer reviewer challenged the notion of annotating in a language other than English for stage 1, pre-writing. The researcher reported that this strategy came from recent L2 writing research (Ph.D. dissertation) literature, and a Korean student writer in the peer reviewer's legal English class reported that she annotates in Korean because annotation with Korean characters is more efficient procedurally than annotating in English, as each character represents a concept rather than a word.

In sum, there is a tension between effectiveness and efficiency associated with strategies and graduate student writing felt not only by peer reviewers at this stage of the

research process, but also by student participant reports at a later stage in the study.

Table 2 below presents the validity checks summary.

Table 2: Validity checks summary: SCQ quantitative data

Content validity	Consulted with target group members and two groups of experts (legal writing/legal English teachers and a strategies expert) for relevance, coverage, representativeness, and exactness of wording.
Construct validity	Compared with theory and up-to-date empirical research literature. (For details, see Chapter 2 Literature Review).
Response validity	Used a "think-aloud interview" (Sudnam, Bradburn & Schwartz, 1996) with one field test participant, a former L2 graduate student writer, who works professionally with legal English writers in an international organization based in D.C. This field test participant gave immediate reflective feedback on each SCQ item, as did the learning strategies expert.

Reliability of the SCQ

Reliability of the SCQ was determined by ensuring consistency of responses for items measuring the same specific construct within categories of the instrument: that is, the actual use (or non-use) of strategies and CALP skills having to do with summary, paraphrase, and synthesis for each stage of writing (pre-writing, drafting, and revising). See Table 3 below for the reliability checks summary.

Table 3: Reliability checks summary: SCQ quantitative data

Test-re-test method	No. The same instrument was not given twice to the same group of people.
Adaptation of equivalent- form (parallel or alternate form) method	Yes, an adaptation of this reliability tool was used. Equivalent forms of the SCQ instrument were created to measure (conscious use of) writing strategies and (conscious/unconscious use of) CALP skills for each stage of scholarly writing performance. In addition, certain strategies and CALP skills having to do with summary, paraphrase, and synthesis were repeated for each stage of scholarly writing.
Internal consistency method	Cronbach's alpha, for example, was not used to measure internal consistency because it is usually used for scores that fall along a continuum like those on a Likert scale; student participants in this study were not asked to make performance judgments, and the item formats intentionally were of three kinds.
Scorer agreement	Parallel forms of (formative) assessments by the writing teacher-researcher and (self-) assessments by the student participants gave the researcher-teacher and the student participants feedback on the students' progress, developing knowledge, understanding, skills and strategies for each stage of writing (pre-writing, drafting, revising). In addition, summative assessments were given by the content law professors who assigned grades to the student participants' legal research papers.

Description of the Interview Protocol (IP)

Concurrent with each stage of questionnaire (SCQ) data collection, semi-structured interviews were conducted to probe students' responses to the closed and open-ended questions about the strategies they actually used and found to be most helpful for each stage of writing. These interviews were conducted and recorded at the end of data collection and the writing intervention, after the SCQ had been completed for each student participant. The purpose of the interviews was triangulation and exploration of student perceptions, meanings, and interpretations of strategic competence variables that might relate to proficiency, competence, or expertise in scholarly legal writing *in situ* at the research site.

The IP consisted of two questions after student participants filled out the SCQ for each stage of writing (SCQ 1, 2, and 3.a) and for ending the data collection phase for the writing intervention (SCQ 3.b). The IP data analysis process entailed the researcher listening to each recorded interview for at least 90 minutes, taking detailed notes and re-winding multiple times to comprehend learners' understanding of the strategies and skills identified most helpful for each stage of student writing.

Each Stage of Writing, Question 1

The first IP question asked participants to identify which strategies helped most for writing at each stage (pre-writing, drafting, and revising). SCQ sections 1, 2, and 3.a were on hand to stimulate recall and to collect quantitative data; participants pointed to the most helpful strategies they actually used AND found most helpful on the SCQ, and the researcher circled each one. The researcher gave participants as much time as they needed to identify the most helpful strategies they used for writing at each stage.

Each Stage of Writing, Question 2

The second IP question asked participants to tell the researcher more about each strategy found most helpful for effective writing at each stage (pre-writing, drafting, and revising). The researcher probed student participants' responses to the first IP question to collect the richest possible qualitative data. Participants elaborated on each most helpful selection from the SCQ (sections 1, 2, and 3.a). Because this second IP question was guided by initial responses of the interviewees, the IP instrument is considered to be "semi-structured" (Nunan, 1992).

Ending the Research/ Intervention, Question 1

At the end of the interview, participants were asked to review the SCQ section (3.b) on proficiency and instruction. The first IP question asked participants to review and elaborate on their perceptions of writing strategies instruction in the tape-recorded interview.

Ending the Research/ Intervention, Question 2

The second IP question asked participants to review their proficiency checklists to elaborate how they had been building proficiency (competence, expertise) in legal writing since taking the advanced legal English writing course—instructional context for this study. As before, student participants pointed to specific items on the SCQ (section 3.b), and the researcher marked each one that interviewees focused on, asking questions when needed to maximize comprehension.

Quantitative and qualitative data. The reason for collecting both quantitative data and qualitative (that is, written and spoken text) data from the IP was to bring together both forms of research and to cross-validate and triangulate the results, as noted earlier.

In addition, the purpose of the IP qualitative data was to enrich and deepen the researcher-teacher's understanding of the student participants' experience with writing strategies, strategies instruction, stages of development and learning, and L2 writer performance in the genre of scholarly legal writing.

How the IP Was Developed

The IP was developed as a valid measure for triangulation to answer *Research Question 2*: For each stage of the scholarly L2 legal writing process, which writing strategies and CALP skills do the learners think are the most useful and why?

As mentioned above, this two-part question was addressed by participant-selected items on the SCQ and the researcher's IP probes dealing with writing strategies, CALP skills, and formal instruction—the latter considered a "critical factor" at the distinguished language learner level in the professional proficiency L2 literature.

Learning to write for a disciplinary community. Because first-semester LL.M. students, uninitiated into the American academic legal culture and writing (process) habit, were included in this study, the SCQ was limited to strategies actually used with IP questions that followed, asking about specific strategies found most helpful for effective legal writing at different stages of research writing. Use of the IP with the SCQ in this way helped address two sets of issues related to L2 writers studying law with English as the medium of instruction in graduate courses that may require research papers as summative assessment: (a) self-report issues of respondent fatigue and memory lapse, and (b) the possibility that the novice legal research writers in the study would not be able to think about or distinguish between strategies and skills used, or effectiveness, when responding to a self-report questionnaire.

Limited exposure. As mentioned earlier, none of the first-semester LL.M. student participants in this study had been exposed to formal academic writing instruction or English as a second language (ESL) instruction at advanced levels; concepts like legalese and plain English that characterize "style" in legal writing at the level of (ILR) professional proficiency; techniques and strategies for achieving "ABC legal writing style" for accuracy, brevity, conciseness in research writing from primary and secondary legal sources to avoid plagiarism; or process writing that puts the onus for communication on the writer, not on the reader as in some other academic legal cultures. The IP can be found in [Appendix D](#).

Validity and Reliability of the IP

The IP is considered valid because the content for the semi-structured, tape-recorded interview was selected purposefully by each student participant who identified specific writing strategies on the SCQ that were most helpful among those actually used in each stage of writing a scholarly legal research paper.

Reliability of interview data is inter-coder, with (a) a peer-reviewer participating in the coding and interpretation of a randomly selected 10-15% of the IP data, and (b) the researcher comparing her IP codings and interpretation with the peer-reviewer's IP codings and interpretation. See Table 4 below for verification strategies ensuring reliability and validity of the IP.

Table 4: Verification strategies ensuring both reliability and validity of the IP qualitative data (Morse, Barrett, Mayan, Olson, and Spiers, 2002)

Ensuring methodological coherence	Yes. The questions match the method which matches the data and the analytic procedures. The question(s) were revised and the method modified as the study progressed to reflect stages associated with L2 process and recursiveness in writing from linguistics-based writing research literature. Sampling plans were extended at the proposal stage to include non-acculturated student participants.
Sampling sufficiency related to SCQ categories and interview themes	Yes. Two levels of student participants, those who had exposure to a scholarly legal writing intervention at the beginning and at the ending of their LL.M. program, best represent and have knowledge of the research topic to ensure efficient and effective saturation of the SCQ categories. The sample of writers was of sufficient quantity and quality to investigate the SCQ categories, and there was enough SCQ data from the writing research literature and time spent in the field to explore the construct of strategic competence and sub-constructs. A (negative case) J.D. student participant also ensures validity by indicating aspects of the developing thematic analysis (e.g., motivation) that were initially less than obvious.
Developing a dynamic relationship among sampling, data collection, and analysis	Collecting and analyzing the quantitative data for each student participant was done concurrently with collecting and analyzing the qualitative data for each student participant at each stage. The multi-stage design provided not just triangulation but an iterative interaction between data and analysis, the essence of attaining reliability and validity (Morse et al., 2002). Further, the researcher's macro-experience writing the results and then revising the dissertation chapters provided an iterative interaction among data, analysis, and theory in terms of association, reflection, and short-term working memory.
Thinking theoretically	Yes. Thinking theoretically required macro and micro perspectives, inching forward without making cognitive leaps, constantly checking and rechecking, and building a solid theoretical foundation.
Theory development	Yes. The researcher moved with deliberation between a micro perspective of the data and a macro conceptual/theoretical understanding when revising the dissertation chapters multiple times. In this way, theory was developed through two mechanisms: (a) as an outcome of the research writing process (in addition to being adopted as a framework to move the analysis along); and (b) as a template for comparison and further development.

According to Morse, Barrett, Mayan, Olson, and Spiers (2002), all of these verification strategies incrementally and interactively contribute to and build reliability and validity, thus ensuring rigor. "The rigor of qualitative inquiry should thus be beyond question, beyond challenge, and provide pragmatic scientific evidence that must be integrated into our developing knowledge base" (Morse et al., 2002).

Description of the Task-Based Student's Quality Assessment Tool (SQAT)

The SQAT is one of two performance indicators to show where improvement is needed at each stage of writing. It is s a structured assessment instrument. From a student's perspective, the SQAT facilitates self-assessment for self-regulated scholarly legal writing at each stage.

Stage 1 in the Writing Process in the SQAT

The STUDENT'S QUALITY ASSESSMENT TOOL (SQAT) is a pre-drafting checklist of 17 items for students. Each participant checks what has been done to date to prepare for writing the first draft in L2 English. Examples are:

- ___ 15. I have organized my legal research into a working outline.
- ___ 16. I have decided on my approach (e.g., descriptive, analytical, comparative, critical)
- ___ 17. I feel prepared to write draft #1 (that is, to synthesize and integrate my legal sources into an essay format for a “paper”).

Stage 2 in the Writing Process in the SQAT

The STUDENT'S QUALITY ASSESSMENT TOOL (SQAT) is also a checklist of 17 items that guide the student from outlining to drafting the research paper (seminar paper, law review article). It shows the rhetorical structure of the scholarly legal research paper, what the student needs to have in each part, and what parts to write first if the student has a problem in the drafting stage. Examples are: Analytical Discussion: (*This section gives your original analysis of the subject matter; may consist of both a critique of existing approaches and a proposed solution. Re-introduces thesis or focus; provides brief background summary; provides analysis with support in each paragraph, for each issue, in each sub-section.*)

Large-scale organization

- ___ A. I have discussed the major issues.

___ B. I have separated issues and sub-issues (with Headings and Sub-headings).

___ C. I have ordered issues logically (e.g. A-1, A-2/ B-1, B-2, B-3/ C-1, C-2).

Small-scale organization

___ 1. I have introduced and concluded on each issue.

___ 2. I have presented my argument and rebutted opposing arguments.

___ 3. I have very clear organizational paradigms (patterns) where appropriate
(e.g., problem-solution—most common, cause and effect, comparative pattern.)

Stage 3 Section a in the Writing Process in the SQAT

The STUDENT'S QUALITY ASSESSMENT TOOL (SQAT) is a checklist of 28 items (based on Ramsfield, 2005) that prepares the student to end the revising process and submit what is expected as finished (native-speaker) product for law school evaluation and course credit. Examples are: Purpose

Is your overall purpose evident throughout the paper? _____

Does it relate directly to a precise and explicit thesis statement or claim? _____

Is your paper original, analytical, and creative—not just descriptive? _____

Stage 3 Section b in the Writing Process in the SQAT

The STUDENT'S QUALITY ASSESSMENT TOOL (SQAT) is the student's self-report on (expository) legal writing proficiency and writing instruction. It asks students specifically how they may have improved proficiency during the course/semester. Examples are:

Level 3 (General Professional Proficiency)

- *I can control structure, spelling, and general vocabulary to convey my message accurately, clearly, and concisely (even if my style may be obviously foreign).* _____
- *I can write without the kind of errors that may interfere with reader comprehension.* _____
- *I can generally control my punctuation in legal writing.* _____

Stage 4 in the Writing Process in the SQAT

The STUDENT'S QUALITY ASSESSMENT TOOL (SQAT) is a checklist of

characteristics that make a scholarly legal paper publishable. Students are given the 10 item checklist as criteria for assessing (a) whether their scholarly second language (L2) legal writing publishable, and (b) where they may need to revise. Examples are: *Assessment criteria for scholarly second language (L2) legal writing*

<i>My paper is</i>	<i>Yes</i>	<i>No</i>	<i>Somewhat</i>
Correct in wording			
Clear			
Readable			

How the SQAT Was Developed

The SQAT was developed primarily from L1 legal research and writing (secondary) sources that include the following key authors and foundational texts: (a) Fajans and Falk (2005), *Scholarly Writing for Law Students*; (b) Oates and Enquist (2005), *Just Writing: Grammar, Punctuation, and Style for the Legal Writer*; (c) Ramsfield (2005), *Culture to Culture: A Guide to U.S. Legal Writing*; (d) Ramsfield (1997), *Is 'logic' culturally based? A Contrastive, International Approach to the U.S. Law Classroom*; (e) Reid (2005), *Legal Writing for International Students*; (f) Volokh (2007), *Academic Legal Writing*; and (g) Wydick (1998), *Plain English for Lawyers*.

In addition, the SQAT was developed from the L2 writing research literature with a focus on (a) Casanave (2004), *Controversies in Second Language Writing: Dilemmas and Decisions in Research and Instruction*; and (b) Casanave and Vandrick (2003), *Writing for Scholarly Publications: Behind the Scenes in Language Education*. See [Appendix E](#).

Reasoning behind selection. This literature provided the best self-guided questions and explicit evaluation criteria for student participants to be able to internalize

a process approach to scholarly L2 legal writing that included conscious use of literacy strategies. The researcher adapted, created, or selected key points and checklists from this literature and, with permission, filtered them through her L2 legal writing teaching and learning experience to create SQAT checklists for product quality that corresponded to the scholarly writing process. The reasoning behind selection was for the L2 legal writers to learn from the process of completing the legal writing task in stages for self-regulation in future scholarly writing.

Validity and Reliability of the SQAT

For SQAT *criterion-related validity*, student self-ratings of writing quality (that is, language output in the form of a final outline from stage 1; final draft from stage 2; and final revision from stage 3) were compared to separate quality ratings made at each stage by the researcher-writing teacher. The same would have occurred for stage 4 if students had intended to publish in the winter semester.

Both the SQAT and the TQAT (quality rating scales) have *construct validity* because they correlate well with the strategy use questionnaire for effective writing produced at each stage. They represent the quality standards found in leading scholarly legal writing sources for *content validity*: that is, they represent appropriate measures of standards for the scholarly legal writing genre in each stage of the writing process as well as for the finished product.

Reliability for both these rating scales comes through parallel (equivalent) forms of reliability that is, two equivalent forms of the same instrument—one for the teacher and one for the student—to be used at each stage. See Tables 5 and 6 below for summary

of validity and reliability checks.

Table 5: Validity checks summary: SQAT/TQAT quantitative data

Content validity	Consulted with teachers, target group members, L2 writing research and legal writing texts for relevance, coverage, representativeness, and exactness of wording.
Construct validity	Compared with secondary source pedagogical literature (e.g., checklist for revising).

Table 6: Reliability checks summary: SQAT/TQAT quantitative data

Equivalent-form (parallel or alternate form) method	Yes. Two versions of the same instrument were created; the SQAT and TQAT were assumed to measure genre literacy and product quality at each stage of scholarly writing. Both instruments were completed in the same time period.
Scorer agreement	Formative assessments at each stage of scholarly legal writing (pre-writing, drafting, revising) were made by the student participants and the writing teacher-researcher, and summative assessments of the final product were made by law professors.

Description of the Task-Based Teacher's Quality Assessment Tool (TQAT)

The TQAT is one of two performance indicators to show where improvement is needed at each stage of legal writing. It is a structured assessment instrument. The TQAT facilitates (a) researcher-writing teacher assessment of the scholarly writing product produced at each stage, and (b) both interactive and corrective feedback, depending on the student's need at the time.

Stage 1 in the Writing Process in the TQAT

The TEACHER'S QUALITY ASSESSMENT (TQAT) is the pre-drafting external control of the 17 items for the researcher-L2 writing teacher e.g., *The student has*

____ 7. stated a point of view or opinion on the topic; knows what (s)he wants to say about the topic; or knows how (s)he sees or thinks about the topic.

- ___ 8. identified the type of research paper (s)he wants to write (e.g., an *analytical* paper that explores or fleshes out an unresolved legal topic or a *persuasive* paper that takes a stand on a legal issue and uses evidence to back-up the student's stance).
- ___ 9. formulated a working thesis.

Stage 2 in the Writing Process in the TQAT

The TEACHER'S QUALITY ASSESSMENT TOOL (SQAT) is the drafting external control of the 17 items for the researcher-L2 writing teacher. It shows the rhetorical structure of the scholarly legal research paper and what the student needs to have in each part. It allows for corrective feedback easily, effectively, and systematically in each part. Examples are: Introduction (*This section prepares the reader for purpose of the paper. Can be written in full only after the research draft is complete.*)

- ___ 1. Student has introduced and noted why topic is important.
- ___ 2. Student has briefly summarized necessary background information.
- ___ 3. Student has stated thesis: an original and supportable proposition about the subject; problem+ solution; "one new point, one new insight, one new way of looking at piece of law" (R. Delgado)
- ___ 4. Student has conveyed organization of the paper.

Stage 3 Section a in the Writing Process in the TQAT

The TEACHER'S QUALITY ASSESSMENT TOOL (TQAT) is the 28 item L2 writing teacher's external control measure, based on Ramsfield (2005) that mirrors the student's version. It allows for quick and easy feedback, systematically and comprehensively.

Examples are:

B. Is the structure obvious to any reader? _____

- Will any reader, at any point, not understand the writer?
- Does the Introduction present a roadmap or blueprint for the paper?
- Is each section's relationship to the thesis statement or claim clearly reflected by its order in the organization?

- Is the paper written in layers, using headings, footnotes, or paragraph blocks so that the reader can easily identify each part's role in the whole?

Stage 3 Section b in the Writing Process in the TQAT

The TEACHER'S QUALITY ASSESSMENT TOOL (SQAT) provides feedback on language use and performance at the end of the course. Through comparison with the SQAT (and additional background information provided by students at the beginning of the course) the teacher can discuss how a student may have improved proficiency as a writer and understand the importance of direct (explicit) writing strategies instruction for that student, allowing for revised approaches to teaching strategies for L2 legal writing.

Examples are: *Instruction*

2. Check how important direct (explicit) writing strategies instruction was for you to develop an *efficient writing process*, fall 2008 research paper (*all that apply*).

- ___ direct instruction was important at *early* stages (e.g., pre-writing—drafting)
- ___ direct instruction was important at *later* stages (e.g., drafting—revising)
- ___ direct instruction was important at *all* stages (e.g., pre-writing, drafting, revising)

Stage 4 in the Writing Process in the TQAT

The TEACHER'S QUALITY ASSESSMENT TOOL (TQAT) is the researcher-L2 writing teacher's 10 item checklist of identifying characteristics for a publishable scholarly legal paper or law review article. It allows the teacher to point out the strengths and weaknesses in the re-written or condensed final product. Examples are:

Assessment criteria for scholarly second language (L2) legal writing

<i>Student's paper is</i>	<i>Yes</i>	<i>No</i>	<i>Somewhat</i>
Logical in large-scale organization—major issues, sub-issues			
Logical in small-scale organization—individual issues			

Concise—according to law journal specifications			
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How the TQAT Was Developed

The TQAT was developed primarily from L1 legal research and writing (secondary) sources that include the following key authors and foundational texts: (a) Fajans and Falk (2005), *Scholarly Writing for Law Students*; (b) Oates and Enquist (2005), *Just Writing: Grammar, Punctuation, and Style for the Legal Writer*; (c) Ramsfield (2005), *Culture to Culture: A Guide to U.S. Legal Writing*; (d) Ramsfield (1997), *Is ‘logic’ culturally based? A Contrastive, International Approach to the U.S. Law Classroom*; (e) Reid (2005), *Legal Writing for International Students*; (f) Volokh (2007), *Academic Legal Writing*; and (g) Wydick (1998), *Plain English for Lawyers*.

In addition, the TQAT was developed from the L2 writing research literature with a focus on (a) Casanave (2004), *Controversies in Second Language Writing: Dilemmas and Decisions in Research and Instruction*; and (b) Casanave and Vandrick (2003), *Writing for Scholarly Publications: Behind the Scenes in Language Education*. See [Appendix F](#).

Reasoning behind selection. As with the SQAT, this literature provided the best self-guided questions and explicit evaluation criteria for student participants to be able to internalize a process approach to scholarly L2 legal writing that included conscious use of literacy strategies. The researcher adapted, created, or selected key points and checklists from this literature and, with permission, filtered them through her L2 legal writing teaching and learning experience to create TQAT checklists for product quality that corresponded to the scholarly writing process. The reasoning behind selection was for the L2 legal writers to learn from the process of completing the legal writing task with

feedback from the writing teacher-researcher in stages for self-regulation in future scholarly writing.

Validity and Reliability of the TQAT

For TQAT *criterion-related validity*, teacher self-ratings of writing quality (that is, language output in the form of a final outline from stage 1; final draft from stage 2; and final revision from stage 3) were compared to separate quality ratings made at each stage by the student. The same would have occurred for stage 4 if that stage of data collection had been implemented.

Both the TQAT and the SQAT (quality rating scales) have *construct validity* because they correlate well with the strategy use questionnaire for effective writing produced at each stage. They represent the quality standards found in leading scholarly legal writing sources for *content validity*: that is, they represent appropriate measures of standards for the scholarly legal writing genre in each stage of the writing process as well as for the finished product.

Reliability for both these rating scales is achieved through parallel (equivalent) forms of reliability: that is, two equivalent forms of the same instrument—one for the teacher and one for the student—to be used at each stage. See the next page for the data collection summary (Table 7).

Data Collection Summary

Table 7: Instruments used at each stage for each student (N=6)

Stage	<i>Strategic Competence Questionnaire (SCQ)</i> (38 questions total)	<i>Interview Protocol (IP)</i> (2 questions)	<i>Student's Quality Assessment Tool (SQAT)</i>	<i>Teacher's Quality Assessment Tool (TQAT)</i>
1	<i>Pre-writing:</i> researching to learn strategies and language skills used (9 questions)	<u>most helpful</u> strategies for effective writing	copy for teacher	copy for student
2	<i>Drafting:</i> writing to learn strategies and language skills used (6 questions)	<u>most helpful</u> strategies for effective writing	copy for teacher	copy for student
3.a	<i>Revising:</i> writing to communicate strategies and language skills used (12 questions)	<u>most helpful</u> strategies for effective writing	copy for teacher	copy for student
3.b	<i>Proficiency and improvement</i> strategies and language skills used (5 questions)	student perceptions: i) instruction stages ii) proficiency levels	copy for teacher	copy for student
4	<i>Publishing (tentative)</i> strategies and language skills used (8 questions)	most helpful strategies for effective writing	copy for teacher	copy for student

Data Collection Procedures

Data collection involved three parts at each stage corresponding to the writing process: pre-writing, drafting, revising (and publishing if that were to have occurred). Data was collected by a questionnaire (SCQ), two measurements of writing quality (SQAT/TQAT), and a recorded semi-structured interview (IP). The use of stages and concurrent protocols provided a methodology that taps directly into working memory, thus giving a more accurate picture of subjects' online processing (Manchón, Murphy & de Larios, 2005).

The First Part: Strategic Competence Questionnaire (SCQ)

Students completed a focused questionnaire for each stage of writing (pre-writing,

drafting, and revising) at home, or in the law school, at times convenient to them. The writing questionnaire was tailored to student participants' specific legal writing situation, asking them about writing strategies, cognitive academic language proficiency (CALP) skills, explicit strategies instruction, and legal writing proficiency. Students were told that there are no right or wrong answers to this questionnaire. Time needed for filling out each stage of the questionnaire was less than 15 minutes, although more time was required for the revising stage which involved two sections. Total time needed for the questionnaire overall was approximately 60 minutes.

The Second Part: Student's Quality Assessment Tool (SQAT)

Before or after filling out the SCQ, students self-checked their own work for each stage using the SQAT, the second instrument tailored to their specific legal writing situation. Average time students needed to self-check their own work using the SQAT was less than 15 minutes. Total investment of students' time to use the instruments to self-check their own work overall was less than 60 minutes.

The Second Part: Teacher's Quality Assessment Tool (TQAT)

The researcher-writing teacher also checked the quality of student work produced at each stage using a parallel version of the SQAT. This instrument was called the *Teacher's Quality Assessment Tool (TQAT)*. A copy of the TQAT, that may have included comments and corrections, was returned to students by email and/or individual consultation. Electronic files have been kept.

The Third Part: Interview Protocol (IP)

At the time students were ready to meet the researcher-writing teacher for an interview (that is, after submission of the legal research paper for course credit), students

were asked two questions about the SCQ: (a) for each stage of writing; and (b) for each level of self-rated writing proficiency and writing strategies instruction. The interviews were recorded on audiotape. Total time needed for the interview part of the study was approximately 45-60 minutes. Total investment of a student's time for the entire study was approximately 180 minutes or 3 hours—less time than acculturated students usually spend in individual consultations with the writing teacher before completing a seminar or research paper for course credit and/or publication.

Motivation

It is important to note that motivation to participate in this study was high because student writers received a major benefit at each stage: that is, knowledge and input from (a) self-reflection strategies, (b) self-assessment tools, and (c) feedback from teacher-assessment tools at each stage of writing to improve the legal writing product affecting students' professional school grades and career success.

Timeline for the Study

The *timeline* for the study is shown in Table 8 below, followed by a *master chart* with a list of tasks and components for data collection in Table 9 on the following page.

Table 8: Data collection: Timeline, stages, instruments

Timeline	Instruments:	questionnaire	interview probe	quality check	quality check	quality check
Month	Stage: number, name, purpose	SCQ Graduate students self-report on strategies/skills used 1. Yes 2. No 3. Don't know	IP Researcher- L2 writing teacher probes most helpful strategies through interview	SQAT Graduate students rate quality of product produced at each stage	TQAT Researcher-L2 writing teacher rates quality of product and gives feedback at each stage	WCL professor rates quality of final product (and may recommend publication)
Nov.- Dec. 2008	1. <u>Pre-writing:</u> planning and researching to learn	yes	yes	yes	yes	n/a
Nov.- Dec. 2008	2. <u>Drafting:</u> writing to learn with footnotes	yes	yes	yes	yes	n/a
Dec. 2008	3.a <u>Revising:</u> writing to communicate with revisions	yes	yes	yes	yes	yes
Dec. 2008	3.b <u>End of semester</u> self-ratings for writing proficiency/improvement	yes	yes	yes	yes	n/a
Feb. 2009	4. <u>Rewriting</u> for (international) publication	tentative for winter 2009 semester	tentative for winter 2009 semester	tentative for winter 2009 semester	tentative for winter 2009 semester	tentative for winter 2009 semester

Table 9: Master chart with a list of tasks and components for data collection

Stage	what student does for the scholarly writing course ¹⁶	what student does for dissertation research	what researcher does with student-subject
1	limits topic; decides on purpose; describes approach; formulates thesis; presents to class; prepares outline with bibliography; meets with L2 writing and law professors; sets deadlines with (<i>Student Deadline Checklist</i>)	1.completes SCQ 2.completes SQAT 3.consults L2 writing teacher-researcher for individual consultation 4.consults <i>Student Deadline Checklist</i> with researcher-L2 writing teacher for next stage	1.gives <i>Student Deadline Checklist</i> 2.gives <i>Student's Consent</i> forms x2 3.gives/emails SCQ/SQAT 4.implements SQAT 5.probes SQAT and records IP 6.applies TQAT to student's work product (best outline) 7.gives interactive + corrective feedback as requested
2	drafts (writing to learn) with footnotes	1.completes SCQ 2.completes SQAT 3.consults L2 writing teacher-researcher for individual consultation 4.consults <i>Student Deadline Checklist</i> with researcher-L2 writing teacher for next stage	1.gives/emails SCQ/ SQAT 2.implements SQAT 3.probes SQAT + records IP 4.applies TQAT to student's work product (best draft) 5.gives interactive + corrective feedback as requested
3.a	revises (writing to communicate) and submits for law school content course credit	1.completes SCQ 2.completes SQAT 3.consults L2 writing teacher-researcher for individual consultation and interview	1.gives/emails SCQ/SQAT 2.implements SQAT 3.probes SQAT + records IP 4.applies TQAT to student's work product (best revision) 5.gives interactive + corrective feedback as requested
3.b	ends fall 2008 course with writing teacher	1.completes SCQ 2.completes SQAT 3. reports final grade (with content law professor's comments) to L2 writing teacher	1.gives/emails SCQ/SQAT 2.implements SQAT 3.probes SQAT + records IP 4.applies TQAT to student's work product (best revision) 5.gives interactive + corrective feedback as requested
4	rewrites for publication	1.completes SCQ 2.completes SQAT 3.consults L2 writing teacher-researcher for individual consultation	1.gives/emails SCQ/ SQAT 2.implements SQAT 3.probes SQAT/ records IP 4.applies TQAT to student's work product (best revision) 5.gives interactive/corrective feedback.

¹⁶ First-semester LL.M. students are required to take *American Legal Institutions* and produce three (instrumental) legal writing papers, with two drafts, in October and November: (a) a closed memo, (b) an open memo, and (c) a court summary. All L2 writing product was checked by the L2 researcher-writing instructor for clarity and patterned errors. Corrective linguistic feedback was given before students revised for law school course credit. The scholarly L2 legal research paper took longer for some students to produce, and time became a major constraint for two first-semester subjects during the academic semester.

Data Analysis Procedures

Mixed Methods Concurrent Triangulation Multi-Stage Design

The organizational plan used to explain the analyses is specific to each research question. Both statistical and interpretative analyses (Nunan, 1992) generate answers to the research questions (Maxwell, 2005).

Quantitative data analysis. This includes descriptive statistics for nominal data (frequencies, percentages, and modes). Descriptive analyses were conducted using SPSS 12.0 software, Version 12, to show patterns for each stage of writing.

Qualitative data analysis. This includes rich description and thematic "key word" (Nunan, 1992) text analysis of data using a modified grounded theory approach (Oxford, forthcoming). This section explains the quantitative and qualitative data analysis in detail.

Research Question 1

For each stage of the scholarly L2 legal writing process, what are the learners' reported use of writing strategies and cognitive academic language proficiency (CALP) skills?

Quantitative research question. This is a quantitative research question addressed by specific questions in the Strategic Competence Questionnaire (SCQ). This quantitative instrument was used to find learners' reported use of literacy strategies and language (CALP) skills for each stage of the scholarly L2 legal writing process across (a) individual learners, and (b) all learners. Additional SCQ (closed and open-ended) items for each stage provide context for overall interpretation because "human judgment is always context-dependent in surveys as in daily life" (Sudman, Bradburn, & Schwarz, 1996, p. 257). Further, "combining the answers to several questions often is an effective

way to increase the validity of measurement" (Fowler, 1995, p. 77).

Basic procedures for data analysis. The basic procedures for quantitative data analysis involve descriptive statistics for SCQ strategies and CALP skills used in each stage of scholarly legal writing. This quantitative data was interpreted in light of other SCQ quantitative and IP qualitative data that disclose strategic competence variables that may overlap at any given stage in the recursive L2 process of scholarly legal research writing. Table 10 shows SCQ constructs for data analysis in each stage of writing to answer *Research Question 1*:

Table 10: SCQ quantitative data analyses, Research Question 1

Research question #1	Pre-Writing	Drafting	Revising	Publishing (tentative)
(a) writing/ literacy <u>strategies</u> used	<u>Reading to write</u> strategies	<u>Drafting</u> strategies	<u>Revising</u> strategies <u>Editing</u> strategies <u>Grammar</u> strategies	<u>Publishing</u> strategies
(b) CALP language <u>skills</u> used	<u>Reading to learn</u> CALP skills	<u>Writing to learn</u> CALP skills	<u>Writing to communicate</u> CALP skills	<u>Writing to communicate</u> CALP skills
(c) Context for interpretation	Developing proficiency; Areas of concern	Composing levels	Composing levels; Knowledge transforming	Composing levels
	Language(s) used	Language(s) used	Language(s) used	Language(s) used
	Developing as a legal writer	Developing as a legal writer	Developing as a legal writer	Developing as a legal writer

Descriptive numeric analyses were conducted on the items in the underlined categories to obtain frequencies, percentages, modes and ranges. Subjects' use of writing strategies and language skills are identified for each stage of writing and compared. Research results are presented in tables and explained in Chapter 4.

It should be noted that a nominal scale of measurement was purposefully selected for the SCQ categories and items. The researcher elected to measure behavior—the strategies and skills actually used by learners—through *yes/no/don't know* responses to questions rather than ask students culturally distanced from U.S. notions of writing process to make judgments on frequency with a (continuous) *Likert* scale, for example.

Research Question 2

For each stage of the scholarly L2 legal writing process, which writing strategies and CALP skills do the learners think are the most useful and why?

Primarily qualitative research question. This is a qualitative and quantitative research question based on the SCQ. The Interview Protocol (IP) was used to explore learners' qualitative perspectives on the strategies they found most helpful for effective writing at each stage that included their perspectives on strategies instruction. In sum, the questions on the SCQ, combined with the semi-structured interview data from the IP, yield accurate, rich description for each learner at each stage of writing.

Basic procedures for data analysis. The basic procedures for qualitative data analysis involve many phases (Marshall & Rossman, 1999). First, the most helpful SCQ strategies for effective scholarly writing were probed orally for each learner and interpreted in light of the IP data. Second, the open-ended SCQ items were considered for each learner. See Table 11 below.

Table 11: IP qualitative data analyses, Research Question 2

Research question #2	<i>Pre-Writing</i>	<i>Drafting</i>	<i>Revising section 3.a</i>	<i>section 3.b</i>
Perspectives on the reported use of most helpful strategies and strategies instruction:	Influence of strategies	Influence of strategies	Influence of strategies for knowledge transforming	Influence of strategies instruction
(a) the writer's process (b) the writer's product	Influence of culture/ socialization	Influence of culture/ socialization	Influence of culture/ socialization	Influence of feedback in stages

Third, key words and phrases were generated and coded from the data as they occurred. Fourth, emergent understandings were tested by looking for connections with SCQ themes. Fifth, any contradictions or alternative explanations were considered and dealt with in *member checks* and *expert checks*. Sixth, the constant comparative method set forth by Strauss and Corbin (1990) was used to constantly compare the found themes with the data, making adjustments in the themes as researcher understandings became more refined through analyses. Lastly, the researcher constantly integrated her understanding and documentation of the sociocultural setting to anchor the interpretations and ensure that they are meaningful as per Oxford (forthcoming). Open-ended SCQ responses that provided context and interpretation at each stage (in Table 11 above) were especially useful.

The researcher finalized the written report after determining validity using two measures: (a) a *peer reviewer* was asked to interpret some of the IP data, and (b) a set of *member checks* was requested from the three (acculturated) student participants. Only student participant #1 (Gee) responded to the email request at the time, ensuring the

researcher that she was accurately understood and represented in the final report for RQ 2 and 3. This *member check* helped to clarify the rhetorical structure for the written report.

Research Questions 1 and 2

In sum, the first two research questions (RQ) share the same stages, strategies, and skills measured by the SCQ quantitatively (RQ 1) and qualitatively (RQ 2). Results for these two questions, therefore, can be read together to tell the story of learners in their developmental process of writing a research paper in legal domain academic context. The results for *Research Question 3* focus on the learners' scholarly writing product at each stage of writing.

Research Question 3

For each stage of the scholarly L2 legal writing process, what are the learners' and teacher quality ratings of the learners' scholarly L2 writing product?

Systematic comparisons. This question was addressed by the Student's Quality Assessment Tool (SQAT) and the Teacher's Quality Assessment Tool (TQAT). It is a quantitative research question that uses the SQAT and TQAT as checklists to systematically compare the learners' and teacher quality ratings of the learners' scholarly L2 legal writing product for each stage of writing. See Table 12 below.

Table 12: SQAT/TQAT quantitative data analyses, Research Question 3

Research question #4	<i>Pre.Writing x17items</i>	<i>Drafting x4 parts</i>	<i>Revising x6 parts</i>	<i>Publishing x10.criteria</i>
Learners' and teacher quality ratings of the learners'scholarly legal writing product	a) checklist of what has been done to prepare for writing	a) checklist of what has been done b) in each part or section of the paper	a) checklist of what has been done b) in each part c) to see what needs to be done to demonstrate communicative competence and domain learning	checklist of genre characteristics

Descriptive numeric analyses were conducted to see how each student rating compared to the teacher rating, by item and category.

How the Methodology Relates to Theory Development

The researcher moved with deliberation between (a) a micro perspective of the data describing the L2 legal writers' process of scholarly writing (RQ 1 and RQ 2) as well as their language output for each stage (RQ 3), and (b) a macro conceptual understanding based primarily on three theorists and theories: (1) Vygotsky's (1978) dialogic model of teaching and learning in which the developing writers interacted with a highly educated “more competent other,” who was not law school educated, at each stage of writing (pre-writing, drafting, revising) to produce expert quality text; (2) Alexander’s (1997, 2003) Model of Domain Learning which links knowledge, motivation, and strategies across three stages of increasing expertise that describe L2 legal writer development during the process of scholarly writing; and (3) Canale and Swain's (1980) discussion of communicative competence, that includes strategic competence, for professional-level (or

higher) writing proficiency.

Theory developed as (a) an outcome of the research writing process, and (b) a template for comparison and further development. By exploring L2 legal writers' in-process and post-intervention understandings of their strategies, skills, quality assessments, and stages for scholarly legal writing, the researcher-writing teacher better understood how student writers used the research-based tools for acquisition of professional proficiency (or higher) in academic legal writing. Discerning the changing nature of factors influencing strategic competence not only stimulates L2 writing research but improves practice for distinguished or superior language learners.

Summary of the Methodology

It should be emphasized that, although this study used both quantitative and qualitative data analyses to answer the research questions, a clear distinction does not necessarily appear in the overall interpretation that focuses on interrelations (Chapter 6). The analyses and interpretation combine both forms of data to seek convergence among the results that culminate in a description of the developing writers' (a) process of scholarly legal writing (Chapter 5), and their (b) language output (L2 writing product) for each stage of research writing. Table 13 below shows analyses across instruments for triangulation of the quantitative and qualitative data. Table 13 is followed by an explanation of triangulation in the study to end Chapter 3.

Table 13: Analyses across instruments showing triangulation for the quantitative and qualitative data

Research Question (RQ)	Instrument 1	Instrument 2 (Triangulation)
RQ # 1: student participants' use of writing strategies and CALP skills for each stage of scholarly legal writing	SCQ categories #1 and #2 (stages 1,2,3): writing strategies and CALP skills used a) individual learners; b) across all learners	Closed QUAN and open-ended QUAL questions
RQ # 2: student participants' perspectives on influence of writing strategies and instruction for effective, self-regulated scholarly L2 legal writing	SCQ items (stages 1,2,3) Most helpful writing strategies and CALP skills: a) individual learners b) across all learners	IP (stages 1,2,3) exploring individual student participants' SCQ items used: that is, most helpful writing strategies, CALP skills, strategies instruction, and feedback
RQ # 3: student participants' and teacher quality ratings for each stage of the scholarly L2 legal writing	SQAT (stages 1,2,3) students' self-ratings of quality compared with TQAT →	TQAT (stages 1,2,3) teacher ratings of quality for individual student participants
Validity check		Content law professor's evaluation of students' legal research paper product
Interrelationships among (a) writing strategies and CALP skills, and (b) learners' and teacher quality ratings of learners' scholarly L2 writing product considered.	SCQ (stages 1,2,3); a) individual difference; b) stage 1 areas of concern (items #5+6)	SQAT/TQAT (stages 1,2,3) a) interpretative summary RQ #3; b) stage 3, section b proficiency, instruction, and improvement (checklist item #1 and items #2-5)
Validity check		Member Check for numeric QUAN and interpretative QUAL analyses of most helpful writing strategies and CALP skills used for each stage of participants' writing process (RQ # 2 + RQ # 3)

QUAN = quantitative
QUAL = qualitative

Triangulation

As mentioned earlier, the results from each stage of the SCQ were compared with results from the qualitative interview (IP) and then merged into an interpretation for each stage in the writing process. These research results were then compared with results from

the SQAT and TQAT that evaluate the writing product and then merged into one overall interpretation for each participant that addresses the study's research purpose of disclosing the dynamic, changing nature of (learner-internal and learner-external) factors influencing strategic competence at the level of professional (or higher) writing proficiency during recursive stages of scholarly legal writing in L2 English.

The next chapter (4) presents the results of the quantitative data analysis, and the following chapter (5) presents the results of the qualitative data analysis. The final chapter (6) discusses the major synthesized research findings.

CHAPTER 4: RESULTS OF THE QUANTITATIVE DATA ANALYSIS

Introduction

This chapter begins by presenting the quantitative results from the *Strategic Competence Questionnaire*, the *Interview Protocol*, the *Student's Quality Assessment Tool* and the *Teacher's Quality Assessment Tool* for each stage of scholarly legal writing. Analyses of descriptive statistics for nominal data compound for each stage (pre-writing, drafting, and revising) so that results for each research question build upon preceding ones to show interrelationships and factors influencing strategic competence at the level of professional (or higher) writing proficiency for the six student participants in the study. Quantitative results for the first three research questions are presented in turn. The final chapter presents a synthesis of the quantitative and qualitative results to answer the last research question.

Results

Research Question 1

For each stage of the scholarly L2 legal writing process, what are the learners' reported use of writing strategies and cognitive academic language proficiency (CALP) skills?

Background on Research Question 1

This question is addressed by categories of items checked "yes" in the *Strategic Competence Questionnaire* (SCQ) having to do with: (a) writing strategies for scholarly (academic) writing in a legal research paper writing task specific to each learner, and (b) CALP skills for scholarly writing from L2 legal sources specific to each learner.

CALP skills. As explained in Chapters 1 and 2, CALP skills are formal academic language skills relevant to content knowledge and higher order thinking: that is, analyzing, paraphrasing, summarizing, and synthesizing information from printed legal sources. These are language skills central to L2 academic legal writing performance from multiple sources because they allow for L2 language processing and for control of academic legal English to avoid plagiarizing. Further, based on Grabe (2001) and Bereiter and Scardamalia (1987), scholarly L2 legal writing from printed sources may move the writer from knowledge telling to knowledge transforming depending on writing purpose. This development may require different levels of composing at different stages. In other words, stating knowledge for the research writer to learn when drafting (stage 2) may be achieved with paraphrase, while transforming knowledge for the research writer to communicate to the law school educated reader when revising (stage 3) may be achieved with summary and synthesis. It should be noted that paraphrase and summary are taught as preliminary writing skills in English composition (Spatt, 1999).

Stages. Stages in writing recall the process of scholarly writing described by Fajans and Falk (2005). These legal writing authorities describe drafting (stage 2) and revising (stage 3) as "the basic [non-linear] progression from complex and lengthy writer-centered activity to more straightforward reader-centered activity" (Fajans & Falk, 2005, p. 11). However, the activities of revising and editing to show expertise or proficiency at the professional level may not be straightforward for L2 legal writers from other academic cultures, or for L2 legal writers from the U.S., even those with a Juris Doctor (JD) degree. Revising and editing at the L2 legal professional level may require techniques and strategies for knowledge transforming that may need to be taught,

practiced, or made explicit for learners.

Strategies. Writing strategies are actions or activities consciously chosen by learners from among language, literacy, and cultural alternatives for the purpose of self-regulating writing in a specific sociocultural setting (adapted from Griffiths, 2008; Oxford, forthcoming). Examples of writing strategies that relate to CALP skills and scholarly legal writing include the following: (a) I reused self-created materials such as notes or outlines as I revised; (b) I used summary as I revised; (c) I used paraphrase as I revised; (d) I used synthesis as I revised; and (e) I revised my paper to ensure speaker to speaker (pragmatic) coherence.

Exploring writing strategies and CALP skills. In sum, Research Question 1 explores how writing strategies and CALP skills are used by L2 legal research writers in different stages of scholarly writing: pre-writing, drafting, and revising. These are strategies, skills, and stages that overlap, influencing strategic competence and L2 legal writing proficiency (competence, expertise) for the six students participating in this study.

A "don't know" (DK) response can be a potentially meaningful answer, not missing data, when respondents are asked for opinions or perceptions beyond their experience (Fowler, 1995). Therefore, DK responses are noted and discussed whenever relevant to the interpretation for data.

Descriptive statistics. Descriptive statistics follow in three tables below showing frequencies, percentages and modes for individual learners and across all learners for each stage of scholarly writing to answer *Research Question 1*. Table 14 below reports the academic literacy strategies for writing and the CALP skills for language processing used for pre-writing (stage 1), while Table 15 reports the same for drafting (stage 2), and

Table 16 reports the same for revising (stage 3).

Table 14: Descriptive statistics for individual learners and across all six learners for SCQ Stage 1 Pre-writing

Student N=6	<i>Pre-writing strategies for reading and researching to learn</i>					<i>CALP skills for language processing</i>		
	Type 1a	Type 1b	Total	Possible strategies	%	Type 1c	Possible CALP skills	%
Gee	5	4	9	29		1	5	20
Tory	7	7	14	29		3	5	60
Ferra	12	5	17	29		2	5	40
Liv	10	6	16	29		2	5	40
Anyo	15	6	21	29		3	5	60
Sam	12	7	19	29		3	5	60
Whole group			96	174	55.17	14	30	46.6
% Difference*	in use							<9%>
Mode(s)	12	7,6				3		

*Transformation not needed for nominal data.

Note: 1 Possible strategies are all strategies listed for pre-writing (stage 1) on the SCQ: Type 1a are conceptual, rhetorical, or linguistic strategies that help find a topic, thesis, or claim; Type 1b strategies help discover what is important or true for the writer's topic, thesis, or claim.

2 Possible CALP skills are all CALP skills listed for pre-writing (stage 1) on the SCQ: Type 1c CALP skills help the writer learn by processing academic legal English source text to prepare for writing.

Across all Learners, Stage 1

For pre-writing, the planning and "researching to learn" stage, student participants used "reading to write" literacy strategies (55.17%) more often than CALP skills (46.6%) with a difference of 9%. Strategies in this context are defined as actions intentionally or consciously chosen by learners from among (29) alternatives in three reading to write categories (conceptual, rhetorical, and linguistic) for the purpose of preparing for research writing in L2 English from L2 legal sources. It should be noted that, by definition of the pre-writing stage, the strategies used by learners for pre-writing have more to do with the receptive language skill of reading from L2 legal sources than the productive language skill of writing from L2 legal sources. Both the strategies and

CALP skills used by learners in the next stage (drafting) deal more directly with the productive language skill of writing in L2 academic legal English (Table 15 below).

Table 15: Descriptive statistics for individual learners and across all six learners for SCQ Stage 2 Drafting

Student N=6	<i>Drafting strategies for getting words and concepts on paper</i>		<i>CALP skills for language processing</i>		<i>CALP skills associated with writing purposes</i>		
	<u>Type 2a</u> <u>strategies</u>	<u>Possible</u> <u>%</u>	<u>Type 2b</u> <u>CALP</u>	<u>Possible</u> <u>%</u>	<u>Purposes</u>	<u>Poss.levels</u>	<u>%</u>
Gee	14	27	5	5	4	4	
Tory	15	27	2	5	2	4	
Ferra	17	27	2	5	2	4	
Liv	19	27	4	5	4	4	
Anyo	22	27	5	5	2	4	
Sam	21	27	5	5			
Whole group	108	162	23	30	16	25	66.67
	66.67		76.67				
% difference	in use		10%				
Mode(s)	n/a		5		2		

Note: 1 Possible strategies are all strategies listed for drafting (stage 2) on the SCQ; they are Type 2a strategies that help the writer get words and concepts down effectively on paper.

2 Possible CALP skills are all CALP skills listed for drafting (stage 2) on the SCQ; they are Type 2b CALP skills that help the writer learn by processing text while drafting.

3 Purposes identify broad levels of writing purpose that vary in processing complexity (Grabe, 2001) for effective drafting by respondents on SCQ.

Across all Learners, Stage 2

For drafting, the "writing to learn" stage, student participants used CALP skills for language processing more often than writing literacy strategies with a difference of 10%. Cognitive academic language proficiency (CALP) skills in this context are defined as actions intentionally taken by learners for academic and legal language processing while drafting scholarly, academic, expository prose in L2 English that may be acquired, learned, or transferred from the L1: that is, paraphrase (by rephrasing source text), simple summary (by reducing source text), complex summary (by selecting and reorganizing source text), synthesis (by combining and connecting source text), and analysis (by

reflecting and breaking source material down into its parts). All student writers used at least two combinations of CALP skills, and three student writers used five (mode/central tendency).

In addition to an increased use of writing strategies (66.67%) and language skills (76.67%) in this drafting stage, all student participants reported using at least two broad levels of writing purpose (66.67%). Five out of the six writers (N=6) "wrote to learn, problem-solve, summarize complexly, or synthesize source text information" while drafting. The remaining writer reported a DK answer. In this case, DK is a potentially meaningful response. Broad levels of writing purpose that may vary in processing complexity are explored further in stage 3, revising.

Table 16 on the next page gives descriptive statistics highlighting cumulative frequencies for individual learners and across all six learners for SCQ Stage 3 Revising.

Table 16: Descriptive statistics highlighting cumulative frequencies (cf) for individual learners and across all six learners for SCQ Stage 3 Revising

Student N=6	<i>Revising, editing, and plain English grammar strategies</i>					<i>CALP skills for language processing</i>		<i>CALP skills associated with writing purposes</i>		<i>Knowledge transforming strategies</i>
	<u>Type 3a</u>	<u>Type 3b</u>	<u>Type 3c</u>	<u>cf</u>	<u>Possible strategies</u>	<u>Type 3d</u>	<u>Possible CALP</u>	<u>Purposes</u>	<u>Possible levels</u>	<u>Type 3e</u> (N=6)
Gee	13	6	7	26	61	5	5	4	4	No
Tory	26	11	17	54	61	3	5	4	4	Yes
Ferra	15	10	15	40	61	2	5	1	4	DK*
Liv	20	8	9	37	61	3	5	4	4	Yes
Anyo	21	11	17	49	61	5	5	4	4	Yes
Sam	26	8	18	52	61	3	5	4	4	Yes
Total used				258	366	21	30	21	24	4 out of 6 learners
Cumulative %				70.49		70.00		87.50		66.67
Difference %	in use					<.49>				
Mode(s)	26	11, 8	17			3		4		Yes

* Don't know (DK) response is relevant for analysis.

Note: 1 Possible strategies are all strategies listed for revising (stage 3) on the SCQ: Type 3a strategies help the writer decide what should be changed, deleted, added, or retained; Type 3b strategies help the writer edit for conventions rather than for content; and Type 3c plain English writing strategies help the writer express legal ideas in English clearly and accurately.

2 Possible CALP skills are all CALP skills listed for revising (stage 3) on the SCQ: Type 3d CALP skills help the writer learn by processing text while revising.

3 Purposes identify broad levels of writing purpose that vary in complexity (Grabe, 2001) for effective revising by respondents on the SCQ.

4 Type 3e strategies are for knowledge transforming, making revising the most effective stage (Yes, No, DK) for deepening level of understanding to include analysis, synthesis, and evaluation of legal research.

Across all Learners, Stage 3

For revising, the "writing to communicate" to the law school educated reader stage, student participants used writing strategies and CALP skills with close frequency (70%). The difference in their use was less than half a percent (.49%). Along with strategies, CALP skills associated with writing purpose increased in this stage from 66.67% (drafting) to 87.50% (revising): an increase of 20.83%. In other words, five out of six student participants used CALP skills associated with four sets of basic, broad levels of writing purposes when revising: that is, they wrote (a) to state knowledge, (b) to understand, (c) to learn, and (d) to critique what others have said before them. The sixth participant, the doctoral student writing in her area of legal domain specialization, reported a DK answer for the other levels of composing but checked that she "wrote to critique, persuade, or interpret evidence selectively and appropriately"—a level of composing that may include an embedded hierarchy in the SCQ purpose list (above) as suggested by Grabe (2001). Even if purposes for writing cannot be seen as an increasingly complex hierarchy of composing and processing demands on performance as Grabe (2001) suggests, results across learners for stage 3 revising show that broad purposes for writing may be overlapping.

Frequencies further show that 67% of subjects (that is, four out of six learners) found revising to be the stage for knowledge transforming (in contrast to knowledge-telling or stating knowledge) in their major paper, fall 2008. This means that revising strategies, editing strategies, plain English grammar strategies, and cognitive academic

language proficiency skills were used together by student participants in the revising process. Four student participants reported on the SCQ (stage 3.a #6) that they deepened their "level of understanding to include analysis, synthesis, and evaluation of research" in this final stage of writing. The situation of the other two learners, Gee and Ferra, emerged through qualitative interview data and analysis in the qualitative results section for *Research Question 2* (Chapter 5).

Across Stages, Individual Learners

Background. The idea of using an index to present quantitative results from the SCQ comes from *Composing Inquiry: Projects and Methods for Investigation and Writing* (Marshall, 2005). The researcher gave "1" when the student checked "Yes" for using a strategy or CALP skill and "0" when the student checked "No" or "DK" for each item on the SCQ (as she did for coding the SPSS data), then developed a scale based on the total scores of individuals. For example, out of ten questions, a participant who answered "Yes" to six and "No" or "DK" to four would get a total score of "6" on the *Strategies-and-Skills-Used Index* (SSUI).

See Table 17 on the next page for the SSUI that gives frequencies and percentages for individual learners and across all six learners for all three stages of scholarly legal writing: Pre-writing, Drafting, and Revising.

Table 17: *Strategies-and-Skills-Used Index*: Frequencies and percentages for individual learners and across all six learners for all three stages of scholarly legal writing: Pre-writing, Drafting, and Revising

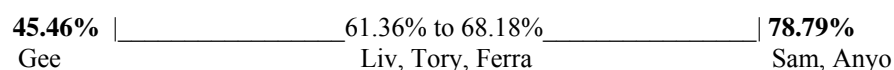
Student (N=6)	<i>Stage 1 strategies/skills</i>			<i>Stage 2 strategies/skills</i>			<i>Stage 3 strategies/skills</i>			<i>All stages</i>		Total
	cf	Possible#	% use	cf	Possible#	% use	cf	Possible#	% use	cf	Possible#	% use
1 Gee	10	34	29.4	19	32	59.38	31	66	47	60	132	45.46
2 Tory	17	34	50	17	32	53.13	57	66	86	90	132	68.18
3 Ferra	19	34	56	19	32	59.38	42	66	64	80	132	61.61
4 Liv	18	34	53	23	32	72	40	66	61	81	132	61.36
5 Anyo	23	34	68	27	32	84.38	54	66	82	104	132	78.79
6 Sam	22	34	65	26	32	81.25	55	66	83	103	132	78.03
Cumulative "Yes"	109	204		131	192		279	396		518	792	

Strategies-and-Skills-Used Index (SSUI). Across all stages of scholarly legal writing, cumulative frequencies show that learners' reported use of strategies and skills ranged in number from 60 to 104 (out of a possible 132). Gee, the most experienced and acculturated legal writer, scored the lowest on the *Strategies-and-Skills-Used Index* (45.46%). She was a female student participant, living and studying in the U.S. since the age of five. Gee was writing an atypical paper, in the form of a proposal, for a one credit law school independent study.

At the other end of the continuum were Anyo and Sam who scored the highest (78.79% and 78.03% respectively). Both these student participants were in their first semester, and like Liv, they were enrolled in courses where they were learning (a) legal English, (b) instrumental legal writing, and (c) scholarly legal writing for the first time. In contrast to Liv, however, Anyo and Sam were male and they originated from countries culturally distanced from the U.S.: Africa and the Middle East respectfully.

The second block of students consisted of Tory (68.18%), Ferra (61.61%), and Liv (61.36%). These three participants were female, had experience writing research papers for law school, and originated from Europe or the former USSR. Both blocks of student participants were writing typical analytical research papers for three credit law school courses. See Figure 2 below.

Figure 2: Blocks of learners relative to *Strategies-and-Skills-Used*



Individual results for each stage of scholarly writing showed that both Anyo and Sam used high percentages (% use) of legal writing strategies and CALP skills for stage 2 drafting and stage 3 revising. Their scores ranged from 81.25% (Sam) to 84.25% (Anyo). However, Sam, Ferra, and Tory's % use increased for each stage in contrast to Anyo, Liv, and Gee who showed highest % use for stage 2 drafting, the "writing to learn" stage.

Figure 3: Blocks of stages relative to *Strategies-and-Skills-Used*



For purposes of triangulation and clarification, the next table shows a comparison of cumulative frequencies and percentages from the *Strategies-and-Skills-Used Index* (SSUI, Table 16) with those from the SCQ Checklist of Defining Abilities describing legal writing proficiency. See [Appendix C](#) (SCQ3.b) for the SCQ checklist defining writing abilities at the level of professional proficiency or higher. From this SCQ checklist, an *Abilities Index* (AI) was derived in the same way as the SSUI was derived. In other words, Table 18 compares learners' self-reported use of writing strategies and CALP skills with learners' self-reported abilities defining proficiency, competence or expertise in legal writing using the two indices of cumulative frequency based on the SCQ. See Table 18 on the next page.

Table 18: Comparison of *Strategies-and-Skills-Used Index (SSUI)* and *Ability Index (AI)* across stages

Student blocks x3	SSUI describing strategies and skills	Maximum possible strategies and skills	% strategies and skills	AI describing proficiency	Maximum possible abilities	% abilities	% difference between SSUI and AI
Gee	60	132	45.46	16	29	55.17	9.17
Tory	90	132	68.18	27	29	93.10	24.92
Ferra	80	132	61.61	22	29	75.86	14.25
Liv	81	132	61.36	12	29	41.38	<19.98>
Anyo	104	132	78.79	27	29	93.10	14.31
Sam	103	132	78.03	21	29	72.41	<5.62>

Whereas Gee scored the lowest on the SSUI, she similarly reported a low score on the AI.

Whereas Anyo scored highest on the SSUI (along with Tory), he similarly reported a high score on the AI. Ferra's (14.25%) percentage of difference between the SSUI and the AI indices is close to Anyo's (14.31%). Tory's use of strategies and skills was third highest among the student participants, and she self-reported a high score (93.10%) on the AI (the same as Anyo).

Two student participants had lower AI scores for proficiency than SSUI scores for strategies and skills, however. Calculations for Sam showed a <5.62%> difference, and calculations for Liv showed a <19.98%> difference. Both student participants were in their first semester learning instrumental and scholarly legal writing in L2 English. Qualitative analyses of learners' SCQ and Interview Protocol data for most helpful writing strategies and CALP skills explore these writer differences in Chapter 5.

Summary of Results for Research Question 1

Frequency and percentages of academic literacy strategies for scholarly legal writing and cognitive academic language skills for academic legal language processing

used by the six participants in this study have been described in Chapter 4 and compared for each stage of writing. Two clear patterns emerged from the analyses of quantitative SCQ data.

First, three "blocks" of learners emerged relative to the *Strategies-and-Skills-Used Index*. One student participant was law school educated from the U.S, three from Europe and the former USSR, and two from Africa and the Middle East. These blocks initially suggest that culture and background knowledge might influence frequencies of writing strategies and CALP skills used. Culture and background knowledge are social-cultural, learner-external variables.

Second, two "blocks" of stages emerged relative to the *Strategies-and-Skills-Used Index*. Gee, Liv, and Anyo used more writing strategies and CALP skills for stage 2 drafting than for the other stages of scholarly legal writing in contrast to Tory, Ferra, and Sam who increased their use of writing strategies and CALP skills with each stage of writing. Increased use of strategies and skills for stage 2 drafting (the learner centered stage) and for revising (the reader-centered stage) suggests that both learner internal (cognitive) and learner external (social-cultural) variables influence frequencies of writing strategies and CALP skills in the final stages of writing.

Cumulative percentages across all six participants show the progressive increase in learners' use of CALP skills for the three stages of scholarly legal writing. The highest use of CALP skills was found for stage 3 revising, the "writing to communicate" stage. In contrast, the highest use of writing strategies was found for stage 2 drafting, the "writing to learn" stage. This contrast highlights the important (conscious) use of literacy strategies for legal writer development while drafting and of (conscious or unconscious)

use of CALP skills for L2 writer communication while revising. In other words, writing strategies seem to be associated more with writers' (internal) cognitive development, and CALP skills seem to be associated more with writers' (external) disciplinary literacy or social-cultural development. This is an important finding insofar as writing strategies help law students learn, and CALP skills help law students write from multiple L2 legal sources. See Table 19 below.

Table 19 Cumulative percentage (c %) of writing strategies and CALP skills used by all six learners for all three stages of scholarly legal writing: Pre-writing, Drafting, and Revising

3 (recursive) stages	descriptive statistics	c % writing strategies	c % CALP skills	% difference
Stage 1 Pre-writing	based on Table 13	55.17	46.67	8.50
Stage 2 Drafting	based on Table 14	76.67	66.67	10.00
Stage 3 Revising	based on Table 15	70.49	70.00	.49

For stage 1 pre-writing, the planning and "researching to learn" stage, student participants used 8.5% more pre-writing strategies than CALP skills. Similarly, student participants used 10% more writing strategies than CALP skills for stage 2 drafting, the "writing to learn" stage. Stabilization in use occurs after the first two (learner-centered) stages of writing, however. The cumulative percent difference between writing strategies and CALP skills was close to equal <.49%> for stage 3 revising, the "writing to communicate" to the law school educated reader stage. In addition, previous analyses for stage 3 (learner-external) revising showed an increase of 20.83% in CALP skills associated with levels of writing purpose, from 66.67% (Table 14) to 87.50% (Table 15).

This percentage increase suggests that CALP skills play an important role in L2 academic legal composition. Indeed, stage 3 revising was found to be the stage for knowledge transforming by four of the six student participants. Qualitative data analyses

in Chapter 5 further explore participants' transformation processes in scholarly legal writing through close and detailed examination of learners' most helpful strategies for each stage of writing.

Results

Research Question 2

For each stage of the scholarly L2 legal writing process, which writing strategies and CALP skills do the learners think are the most useful and why?

Background on Research Question 2

This question was addressed by the *Interview Protocol* (IP), using the SCQ as a quantitative measure to stimulate recall for the strategies used. The qualitative interview probed the helpfulness of strategies used from SCQ self-reports exploring student perceptions, meanings, and interpretations. Both quantitative and qualitative data merge when learners in the recorded interview isolate certain "yes" responses on the SCQ to answer *Research Question 2*. Quantitative results are presented in this chapter, and qualitative results are presented in Chapter 5 that explores why these are the most helpful strategies and CALP skills at each stage.

Participants' most helpful writing strategies and CALP skills for effective scholarly L2 legal writing are summarized quantitatively in Table 20 on the next page.

Table 20: *Most helpful strategies and skills for each stage of scholarly legal writing:*
Frequency of responses to the IP questions for individual learners and across all six learners

<i>Student N=6</i> Stage	<i>Gee</i>	<i>Tory</i>	<i>Ferra</i>	<i>Liv</i>	<i>Anyo</i>	<i>Sam</i>	<i>Students cf</i>	<i>Stages cf</i>	<i>% total by stage</i>
Pre-writing stage 1									
Type 1a "reading to write"									
conceptual strategies	2	5	2	--	1	1	11	34	32.35%
rhetorical strategies	1	--	--	--	2	--	3	34	8.82%
linguistic strategies	--	--	--	--	4	1	5	34	14.71%
Type 1b strategies	1	1	2	--	5	2	11	34	32.35%
Type 1c CALP skills	--	--	1	--	2	1	4	34	11.77%
<i>cumulative frequency(cf)</i> <i>most helpful, stage 1</i>	4	6	5	--	14	5	34	n/a	100%
Drafting stage 2									
Type 2a drafting strategies	2	6	11	6	12	--	37	39	94.87%
Type 2b CALP skills	--	--	1	--	1	--	2	39	5.13%
<i>cumulative frequency(cf)</i> <i>most helpful, stage 2</i>	2	6	12	6	13	--	39	n/a	100%
Revising stage 3									
Type 3a revising strategies	2	11	10	4	8	1	37	104	35.57%
Type 3b editing strategies	1	7	--	1	6	--	15	104	14.42%
Type 3c plain English writing strategies	1	11	8	5	7	--	32	104	30.76%
Type 3d CALP skills	--	--	1	1	2	--	4	104	3.84%
Type 3e knowledge transforming strategies	--	2	4	5	6	--	17	104	16.33%
<i>cumulative frequency(cf)</i> <i>most helpful, stage 3</i>	4	31	23	16	29	1	104	n/a	100%
Total most helpful, overall	10	43	40	22	56	6	177	n/a	n/a

Overall Results for Stage 1, Pre-writing

Results for (stage 1) pre-writing showed that, overall, participants found Type 1a and Type 1b "reading to write" strategies most helpful for preparing to write a scholarly legal research paper (11 mentions each in the interview). Type 1a are conceptual strategies defined in the SCQ as legal reading strategies to find a topic, thesis, or claim for students' major analytical research paper, fall 2008. They deal more with legal content (conceptual development) than with organizational structure (rhetorical development) or

with language (linguistic development). Like Type 1b, they are labeled on the SCQ as "reading to write strategies" and are defined on the SCQ as writing strategies for combining reading, note-taking, and thinking to discover what is important or true for the learner about his or her legal research topic, thesis, or claim.

Overall Results for Stage 2, Drafting

Results for (stage 2) drafting found that, overall, participants found Type 2a drafting strategies (37 mentions) more helpful than Type 2b CALP skills (2 mentions) for starting to write a scholarly legal research paper—even though frequencies for Research Question 1 (Table 15) showed that learners used 10% more CALP skills than strategies at this stage. The findings for Research Questions 1 and 2 do not conflict because IP question #1 focused on student participants' most helpful strategies, not most helpful CALP skills; it was assumed that participants would be using CALP skills from the writing intervention. Type 2a drafting strategies help the writer get words and concepts down effectively on paper. They contrast with Type 2b CALP skills which help the writer learn by processing legal text for writing.

Overall Results for Stage 3, Revising

Results for (stage 3) revising found that, overall, participants found Type 3a strategies for revising (37 mentions) and Type 3c plain English grammar strategies (32 mentions) more helpful than Type 3b editing strategies (15 mentions) in the final stage of writing a scholarly legal research paper. Type 3a revising strategies help the writer decide what should be changed, deleted, added, or retained. Type 3c plain English grammar

strategies help the writer express complex legal ideas in plain English, clearly and accurately. In sum, results for stage 3 revising found deeper-level writing strategies, rather than surface-level editing strategies, most helpful.

Overall Results for All 3 Stages Combined (Pre-writing, Drafting, and Revising)

Results across all six learners showed that their reports of most helpful strategies increased across the three stages of scholarly legal writing. The categories of strategies for drafting (Type 2a) and revising (Type 3a) that relate more to content than to form were found most helpful overall.

Plain English grammar strategies for clear, effective legal writing were found by participants to be the second most helpful category across all six learners. These strategies contrast with editing strategies for correct grammar; they were explained in the SCQ as strategies for L2 legal writing that may contrast stylistically with learners' L1 preference for more complication in syntax, or more length and sophistication in vocabulary (such as nominalization, for example).

Third, results across all six learners found the (Type 3e) knowledge-transforming strategies most helpful. These are explained in the SCQ as primarily linguistic strategies that help "deepen" the writer's "thinking in English while revising" and help "transform text information while revising, giving [students] authorship" of their major analytical paper, fall 2008.

Last, (Type 3b) editing strategies for "polishing and checking for conventions in stage 3 of the writing process" were found most helpful across learners.

What follows is a composite profile from each student participant's report of most

helpful strategies across all the three stages (pre-writing, drafting, and revising). The composite profile is based on Table 20 (above).

Composite profile from participants' reports (N=6) of most helpful strategies.

For stage 1 pre-writing, participants reported the following legal reading strategies most helpful to find a topic, thesis, or claim: (a) reading for a purpose; (b) summarizing from the reading; (c) annotating with critical comment; (d) drawing conclusions from the reading relevant to the working thesis or claim; and (e) talking back to the text by problem posing while reading. These are deeper-level conceptual strategies that help develop thinking and generate new ideas for a legal research paper. Noting key legal terms for reuse in writing, as well as noting key English phrases for reading comprehension, and paraphrasing in English for both reading comprehension and for language reuse in writing were also most helpful strategies at this stage. For reading, note-taking, and thinking, (a) using texts or quotes from experts to stimulate thoughts and ideas; (b) exchanging ideas with others about one's research project; (c) reading others for modeling of style and organization; (d) making a preliminary outline; and (e) finding a quiet place to concentrate on legal writing were most helpful pre-writing strategies.

For stage 2 drafting, participants reported paraphrasing and summarizing information from persuasive legal sources most helpful strategies to actually begin writing. Re-reading legal texts that serve as rhetorical models, and reordering information from legal source texts to use in a draft were also reported most helpful strategies for drafting. Conferencing with a content law professor, writing teacher, and peers to refine and clarify ideas were found most helpful at the drafting stage also.

For stage 3 revising, participants reported reading critically and reflecting on one's own written drafts a most helpful strategy. Other most helpful revising strategies to help decide what should be changed, deleted, or retained were asking oneself: (a) if key words and phrases are repeated for cohesion and emphasis; (b) if the purpose and message are clear; and (c) if headings, subheadings, and logical connectors are used effectively. Strategies to solicit feedback were found "most helpful" for the revising stage also: that is, (a) getting feedback from the writing instructor to assess how effectively the message is communicated, and to build or re-construct the analysis; and (b) getting expert legal opinion of the analysis from the content law professor. Revising was also found to be a most helpful stage for knowledge-transforming: that is, deepening understanding to include analysis, synthesis, and evaluation of the research.

For polishing and checking for writing conventions, learners found the following editing strategies most helpful: (a) asking oneself whether the paper is an example of good legal writing; (b) proofreading for sentence structure (syntax); (c) proofreading for proper word choice (diction); (d) proofreading for punctuation; (e) proofreading for spelling (Microsoft "Tools"); and (f) proofreading for citation. In other words, proofreading "with a purpose in mind" was reported to be a most helpful strategy in the final stage of scholarly legal writing.

For clear, accurate expression of ideas, participants reported the following plain English grammar strategies most helpful: (a) making one point per sentence using simple and complex sentences; (b) avoiding long, multi-clause sentences; (c) avoiding nominalizations (the practice of changing short verbs to longer nouns); and (d) keeping subjects and verbs, and verbs and objects, undivided—without interrupting phrases.

Other most helpful plain English grammar strategies reported by participants were: (a) using familiar words instead of flowery or ornate words; (b) using consistent wording and phrasing without changing words for variety; (c) using consistent parallel word signals such as "first" and "second"; and (d) using accurate and adequate punctuation as "road signs" to communicate effectively to the law school educated reader.

Summary of Quantitative Results for Research Question 2

Quantitative analyses for nominal data in Chapter 4 showed that for (stage 1) pre-writing, conceptual strategies for writing authentic text were most helpful for participants; for (stage 2) drafting, writing strategies were more helpful than CALP skills for learners; and for (stage 3) revising, deeper-level writing strategies—in contrast to surface-level editing strategies—were most helpful across learners. In particular, Type 2a strategies for drafting and Type 3a strategies for revising that relate more to content than to form were reported most helpful, followed by Type 3c plain English grammar strategies that help the writer express legal ideas clearly and accurately in L2 academic English. Type 3e knowledge-transforming strategies were reported to be the next most helpful category across learners, followed by the Type 3b surface-level editing strategies. A summary of qualitative results for Research Question 2 can be found in Chapter 5.

Results

Research Question 3

For each stage of the scholarly L2 legal writing process, what are the learners' and teacher quality ratings of the learners' scholarly L2 writing product?

Background on Research Question 3

This question is addressed by the *Student's Quality Assessment Tool* (SQAT) and the *Teacher's Quality Assessment Tool* (TQAT). It is primarily a quantitative research question that uses the SQAT/TQAT ([Appendix E](#)) as a pair of systematic checklists to give quality ratings—by category and by item—of learners' scholarly L2 legal writing product at each stage of scholarly writing (pre-writing, drafting, and revising).

The SQAT is a checklist used by learners for self-assessment of quality at each stage of scholarly writing. The SQAT (a) helps learners know what may be expected at each stage of writing in broad terms of genre, and (b) helps writers prepare their best work at each stage for individual consultations with the writing teacher-researcher to receive conceptual, rhetorical, and/or linguistic feedback to improve quality.

The TQAT is a checklist used by the writing teacher-researcher for assessment of quality at each stage of student writing. The TQAT helps prepare the writing teacher for the individual consultations with students at (or near) the end of each stage of writing. The TQAT facilitates objective assessment of each student's scholarly legal writing product at key stages to improve quality by giving both interactive and corrective feedback: conceptually, rhetorically, and linguistically. The difference in results between the two measures, the SQAT and the TQAT checklist items, were discussed in individual consultations with student participants. These teacher-student feedback sessions were not tape-recorded because their purpose was instructional, although notes were taken.

Table 21 below shows the SQAT/TQAT categories for each of the three stages in

the genre of scholarly legal writing. Table 22 shows cumulative frequencies of items checked to improve writing quality at each stage of writing.

Table 21: SQAT/TQAT categories for each stage in the genre of scholarly legal writing

<i>Stage 1 pre-writing (learner-centered) planning categories</i>	<i>Stage 2 drafting (writer-centered) genre categories</i>	<i>Stage 3 revising (reader-centered) communication categories</i>
Researching to learn outline/draft 17 items total	Writing to learn draft(s) 17 items total 1. Introduction to research paper: 4 items 2. Background: 4 items 3. Analytical Discussion: Large-scale organization/3 items Small-scale organization/3 items 4. Conclusion: 3 items	Writing to communicate draft(s) 28 items total 1. Audience: 2 items 2. Purpose: 6 items 3. Content: 6 items 4. Organization: 2 main/3sub parts/5 items 5. Clarity: 5 parts/5 items 6. Mechanics: 4 items

Table 22: *Quality Assessment Index (QAI)*: Difference between students' SQAT and the teacher's TQAT evaluations for individual learners and across all six learners for the three stages of scholarly legal writing

Student (N=6)	<i>Pre-writing 17 possible items</i>	<i>Drafting 17 possible items</i>	<i>Revising 28 possible items</i>	<i>SQAT /62</i>	<i>TQAT /62</i>	<i>QAI /62</i>
	SQAT TQAT	SQAT TQAT	SQAT TQAT	cf	cf	difference%
Gee	4 /17 7/17	11/17 9/17	15/28 9/28	30/62	25/62	5/62 8.07
Tory	16/17 6/17	17/17 11/17	28/28 24/28	61/62	41/62	20/62 32.26
Ferra	10/17 9/17	14/17 5/17	25/28 26/28	49/62	40/62	9/62 14.52
Liv	15/17 9/17	15/17 8/17	28/28 22/28	58/62	39/62	19/62 30.65
Anyo	13/17 8/17	15/17 15/17	25/28 20/28	53/62	43/62	10/62 16.13
Sam	17/17 16/17	14/17 11/17	23/28 28/28	54/62	55/62	<1/62> 1.61
Cumulative "yes"	75 55<20>	86 59<27>	144 129<15>	305/372	243/372	62 16.67

Quality Assessment Index (QAI). The difference between the student participants' SQAT

and the writing teacher's TQAT cumulative frequencies of checked items to improve quality of writing at each stage culminates in the QAI for each participant.

Overall Results Across All 3 Stages (Pre-writing, Drafting, and Revising).

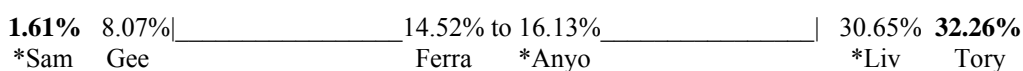
Cumulative frequencies of "yes" responses, the checked items on the quality assessment tools, show that the difference between the learners' evaluations on the SQAT and the teacher's evaluations on the TQAT ranged in number from 15 to 27. The greatest overall difference between the SQAT and the TQAT was for drafting—the writer-centered "writing to learn" stage—and the smallest difference between the SQAT and the TQAT was for revising—the reader-centered "writing to communicate stage." In sum, student participants (N=6) generally overestimated the quality of their writing, especially in the writer-centered "learning" stages.

Sam, one of the two least experienced and least acculturated L2 legal writers, scored the lowest on the QAI (1.61%). His checked items to improve quality at each stage of writing were a close match to the writing teacher's checked items. Gee, an experienced legal writer but one unfamiliar with what her law professor wanted her to do (that is, to write a proposal rather than a typical analytical research paper), also scored low on the QAI (8.07%). Both participants did not seem to be self-regulated writers in the early stages of scholarly writing.

At the other end of the scale was Tory, who scored the highest on the QAI (32.26%). Tory was one of the most confident, experienced, and acculturated L2 legal writers, one who was familiar with the genre of scholarly, analytical legal research paper writing. Liv, also a confident, experienced legal writer in her home country, scored high

on the QAI (30.65%). For Tory and for Liv, the greatest assessment differences were for pre-writing and drafting, the (cognitive) learner-centered stages. Their quality assessment scores were a closer match to the writing teacher's for revising, however, the "writing to communicate" to the law school educated reader stage. Ferra (14.52%) and Anyo (16.13%) scored in-between these extremes on the quality assessment continuum. The three blocks of learners, each containing an acculturated and an un-aculturated student participant, appear in Figure 4 below.

Figure 4: Blocks of learners % differences relative to *Quality Assessment*



* denotes un-aculturated

Individual results for each stage of scholarly writing showed that both Tory and Liv had higher percentage (%) differences in assessment for stage 1, pre-writing and stage 2, drafting than for stage 3, revising. Both tended to overestimate the quality of their writing generally, with scores that ranged from 32.26% (Tory) to 30.65% (Liv). In contrast, Sam and Gee showed the lowest % differences in quality assessment. Sam underestimated the quality of his work product at the revising (reader-centered) stage, whereas Gee underestimated the quality of her work product at the pre-writing (writer-centered stage). Both may have lacked confidence in what they were producing: Gee from a substantive view and Sam from a communicative view. In-between were (a) Ferra's percentage difference, that was highest for drafting, and (b) Anyo's percentage difference, that was highest for pre-writing and for revising.

See Figure 5 below for the blocks of stages relative to quality assessment.

Individual results after Figure 5 explain the percentage differences for each student participant based on the SQAT/TQAT phrasing for items and categories.

Figure 5: Blocks of stages showing highest % differences relative to *Quality Assessment*

Pre-writing	Drafting	Revising
Tory, *Liv, *Anyo	Gee, Tory, *Liv, Ferra	Gee, Tory, *Liv, *Anyo

*denotes acculturated

Individual Results Across All 3 Stages for Case 1- Gee.

Pre-writing, stage 1: "researching to learn." Gee's checked items on the SQAT for pre-writing were less comprehensive than the writing teacher's checked items on the TQAT. Gee's SQAT indicated four actions she had taken to prepare for writing her first draft. The TQAT showed agreement that Gee had incorporated these actions in her paper; additionally, the TQAT showed Gee how she could be more explicit identifying the purpose for her paper with examples of purpose (that is, phrases) from the TQAT that were highlighted for the student writer to reconsider. The TQAT also indicated that Gee had organized her research into a kind of outline, and that she had decided on an approach. The TQAT questioned whether Gee had started with what she already knows, however, and whether Gee had defined a topic that is interesting and authentic to her experience.

Drafting, stage 2: "writing to learn." In contrast to pre-writing, Gee's checked items on the SQAT for drafting and revising were more comprehensive than the writing teacher's checked items on the TQAT. Gee's SQAT indicated she had executed one item

in the Introduction section of her draft, all four in the Background section of her draft, four in the Analytical Discussion section of her draft, and two in the Conclusion section of the draft she submitted for discussion and writing teacher review. Gee had executed 30 out of 62 possible items within the basic four-part structure. The TQAT showed accord with the student's assessment; however, the TQAT offered suggestions for improvement of each section, focusing on organization and explicit (versus implicit) communication. The difference in the checked SQAT/TQAT items for Gee was related more to issues of quality than to execution of the items satisfying the genre requirements for a typical legal research paper.

Revising, stage 3: "writing to communicate." Gee's SQAT indicated that she still had more work to do on this paper in some important areas like citation, but that she had met her objectives in terms of audience, organization, and clarity even if she had not achieved eloquence. The TQAT for this last stage indicated that the student's overall purpose was not evident throughout the paper and that the paper may not include all the information needed by her specific audience. The TQAT also indicated that (a) the structure will not be obvious to any reader because there was no roadmap in the Introduction, and that (b) the reader could misunderstand the content in the sub-headings and Conclusion section of the paper. After final revision, Gee submitted her twenty-five page paper for a one-credit independent study.

Content law professor's evaluation. "I thought your paper was relatively well-written. I wish you had had more time to develop some of the research themes you figured out late in the semester, but *c'est la vie*. I did not mark up that final paper." Grade: B+ (Gee, personal communication, February 2, 2009).

Individual Results Across All 3 Stages for Case 2- Tory.

Pre-writing, stage 1: "researching to learn." Tory's checked items on the SQAT were more comprehensive than the writing teacher's checked items on the TQAT for all stages. For pre-writing, the TQAT indicated that the writer's purpose for legal research writing, "to make sense out of a confusing array of issues," was not as clearly stated in the student's "Introductory Outline" as it could be. The TQAT did show, however, that Tory's claim was clearly stated. Tory also made a "disclaimer" to her content law professor at the end of her outline that she "may discover sources that may alter" her claim, reserving the right to (a) develop her paper and (b) change the title of her paper accordingly. Tory also considered her working title an "hypothesis" only.

Drafting, stage 2: "writing to learn." Tory's checklist of SQAT items was also more comprehensive than the writing teacher's TQAT checklist for this stage. The TQAT indicated that the student's draft explicitly stated the writer's purpose, but was missing the thesis or claim; in other words, Tory was still "writing to learn" and was not yet ready to commit to a thesis or claim. The second major difference between the quality assessments involved small-scale organization. The TQAT was in accord with the SQAT that very clear organizational paradigms existed in the paper, but the TQAT showed that the student had not (a) introduced and concluded on each issue, or (b) rebutted any opposing argument, if relevant. One patterned error was also noted for the student writer at this stage: that is, improper use of the definite article for generalities.

Revising, stage 3: "writing to communicate." Tory's SQAT checklist was

complete for this stage, indicating a high level of attention to revising. The SQAT open-ended student comment reported that "at this stage my paper is almost complete. I just rephrase and reorganize if needed (for clarity)." The TQAT was in accord with the student's quality assessment for all the categories and most of the items. Teacher feedback that accompanied the TQAT checklist indicated that the student had done an excellent job revising and that her footnotes were thorough and functioned properly. After final revision, Tory submitted her twenty-eight page paper to complete a three credit law course.

Content law professor's evaluation. Tory emailed her content law professor and asked why he had given her a B+. Her professor said that her ideas were not feasible economically ... and that if she had followed her original outline—the one she wanted to use as model—she would have had a better paper. Tory explained that she wanted to follow her original outline, but that she ran into a problem when she tried locating a specific contract; she "could not find supporting documents to write a good paper. In any case, thank God, it is over." (Tory, personal communication, February 1, 2009).

Individual Results Across All 3 Stages for Case 3- Ferra.

Pre-writing, stage 1: "researching to learn." Ferra's checked items on the SQAT were only slightly more comprehensive than the writing teacher's checked items on the TQAT for the first two stages: pre-writing and drafting. The TQAT for stage 1 was a pre-drafting checklist, but the student had submitted a working draft for teacher assessment: that is, a draft that had not yet synthesized or integrated her legal sources into an essay format for a "paper." Ferra's SQAT pre-writing checklist differed from the teacher's on

two important items: the TQAT showed that the student had identified the type of research paper she was writing but that she had not formulated a working thesis, whereas the student's SQAT indicated the opposite; Ferra indicated that she had formulated a working thesis but had not identified the type of research paper she was writing. This may be a difficult distinction to make without student-teacher consultation, and may be a difficult distinction to express in L2 legal writing without discussion first. In essence, Ferra did not have a working outline with an explicitly stated purpose and working thesis before she started drafting.

Drafting, stage 2: "writing to learn." Ferra's SCQ checklist for this stage was comprehensive. The small-scale organization items on the SCQ were unchecked, however, indicating that Ferra was unsure of her small-scale organization and still had more work to do. The TQAT checklist for all categories were in accord with the SQAT although additional teacher comments on the TQAT indicated that Ferra needed more work on her Introduction and Conclusion sections in particular. For example, the student had introduced and noted why her topic was important in her Introduction, but she had done so implicitly, not explicitly. In addition, one TQAT comment indicated that Ferra needed to connect her purpose (that is, to examine a theme) in paragraph two with her thesis in the next paragraph.

Revising, stage 3: "writing to communicate." Three SQAT items were left unchecked by the student participant. The first two had to do with purpose: (a) whether the writer's overall purpose was evident throughout the paper, and (b) whether she had explicitly stated if her purpose was primarily persuasive or something else. The third item had to do with clarity and whether the reader would misunderstand the content at any

point in the paper. Under student comment, the SQAT reported (qualitative data) that "some of the answers above would require a deeper explanation of their reasons because the answer in some cases cannot be considered yes/no as well as not applicable to my case." From Ferra's point of view, some discussion was needed for Ferra's SQAT to be fully understood by the researcher-writing teacher. Individual consultation with the completed SQAT/TQAT forms was necessary.

The TQAT checklist indicated under purpose that (a) the student writer had clearly identified her paper as historical/analytical—something the student participant had left unchecked in stage 1 (pre-writing), and that (b) the reader would not misunderstand the content. Other TQAT items indicated that the phrasing was clear, the text was readable, the writer had emphasized key points, and the wording changes flowed together to create an eloquent whole. The TQAT further indicated, however, that some comma errors remained, and that mechanical proofreading may still be required for citations and wrong or overused words.

Ferra said in her individual consultation that she had no time for the latter revision even though this item on the SQAT had been checked off. The TQAT indicated that in terms of content, the writer's footnotes functioned properly. After final revision, Ferra submitted her thirty page paper to complete a three credit law course.

Content law professor's evaluation. Ferra received an "A" for this paper, and then went on (SCQ Stage 4) to publish a condensed version of the sixty page paper she had written for six credits the previous semester in an international law journal.

Individual Results Across All 3 Stages for Case 4-Liv.

Pre-writing, stage 1: "researching to learn." Liv's checked items on the SQAT were more comprehensive than the writing teacher's checked items on the TQAT for all stages. For pre-writing, not all the SQAT items applied to Liv yet because she had an outline only of cases, which were new to her. She reported that she had a "problem" with structure because, as she was reading more articles, she had to reorganize the structure of her draft. Liv said she had an idea how to structure her paper, however, after speaking about it with the writing teacher in her individual consultation for this stage.

Drafting, stage 2: "writing to learn." Liv's SQAT indicated that she had resolved issues with large-scale and small-scale organization in contrast to the TQAT which indicated that, although she had a "good draft here," she had not met any of the criteria for small-scale organization. TQAT feedback showed that she still needed to summarize the cases presented and write an appropriate Conclusion section. Liv explained that, although she had written papers for law school in her home country, writing Introduction and Conclusion sections for law school in the U.S. was different because they required original thinking. Another difference between the SQAT and the TQAT was that Liv had subsumed a Background section into her discussion of the cases, which was fine because of the type of scholarly legal paper she was writing.

Revising, stage 3: "writing to communicate." While the SQAT indicated that the student's paper was ready for submission, the TQAT indicated remaining issues with clarity and mechanics. In particular, the TQAT indicated that Liv still had to make changes in phrasing, wording, English grammar, and punctuation. A subsequent email indicated that Liv had sent the writing teacher-researcher a "previous version" of her paper, "the version from before our last meeting," but that she would apply TQAT stage

3.a comments to her "newer version" (Liv, personal communication, December 7, 2008). The TQAT checked items for this stage were otherwise complete and indicated that Liv had done a good job with time management. After final revision, Liv was able to submit her twenty-five page paper early, before her three-credit law course had ended for the semester.

Content law professor's evaluation. Liv received A- for her research paper. The law professor gave her no feedback.

Individual Results Across All 3 Stages for Case 5-Anyo.

Pre-writing, stage 1: "researching to learn." Anyo's checked items on the SQAT were more comprehensive than the writing teacher's checked items on the TQAT for pre-writing and for revising, but the same for drafting. The SQAT showed that Anyo had not identified the purpose for his legal research at the outset. This issue was later discussed in consultation for the revising stage. In contrast to the SQAT, the TQAT indicated that Anyo still had to work at formulating a thesis and that formulating research questions to reflect on what he thinks about his legal topic might help. Further, Anyo had only identified the type of research paper he was writing verbally. Anyo had started to write his paper late in the semester, at the time of his "last class." This was his first attempt at writing an academic research paper for law school.

Drafting, stage 2: "writing to learn." The SQAT and the TQAT checked items matched for Anyo at this stage. Both the SQAT and the TQAT clearly identified that Anyo had not yet introduced and concluded on each issue (small-scale organization) and that he had not yet restated his thesis in the Conclusion section of his paper without being

obviously redundant. Anyo said that he would be able to do this before submitting his paper for course credit (Anyo, personal communication, December 8, 2008).

Revising, stage 3: "writing to communicate." Anyo's SQAT was more comprehensive than the TQAT for revising. The SQAT showed that Anyo had not ensured that his citations functioned properly (Content) or that they were correct (Mechanics). The TQAT added that his paper did not seem to include all the information needed by his audience, that his point of view was not clear in the Introduction section, that the structure of his paper needed more work, and that his phrasing did not always emphasize key points. The TQAT also pointed out that the English grammar corrections still needing to be made were minor. Anyo did not have enough time to complete these minor corrections before submitting his twenty-one page paper for law course credit.

Content law professor's evaluation. Anyo received A- for the research paper he submitted to complete his three-credit law course. His law professor commented that Anyo had written a good paper, and that if he still wanted to publish the paper, Anyo could schedule a meeting with her.

Individual Results Across All 3 Stages for Case 6-Sam.

Pre-writing, stage 1: "researching to learn." Sam's checked items on the SQAT were more comprehensive than the writing teacher's checked items on the TQAT for pre-writing and drafting, but less comprehensive for revising. The TQAT for pre-writing showed that Sam had almost finished organizing his research into a working outline. Also, he had not submitted a working bibliography of his sources with his outline and SQAT.

Drafting, stage 2: "writing to learn." Although Sam was able to submit a draft

for researcher-writing teacher review at this stage, the SQAT needed to be explained to him individually, in person, because Sam was still unfamiliar with the basic structure of a legal research paper. Sam had never before been exposed to the idea of genre in academic writing or the basic three part structure of an expository essay. Also, Sam started the semester later than the other students. He had been attending the class called English for Lawyers but, given that he had research papers to write, he consulted with the academic program assistant director to move to the Advanced Legal Writing class.

Sam was able to revise his draft with the SQAT, however, after his individual consultation with the researcher-writing teacher. At that point in, Sam's SQAT showed that he had not stated his thesis and had not always introduced and concluded on each issue (small-scale organization). The TQAT also indicated that Sam had ordered his issues logically, while Sam's SQAT indicated that he had not. Logic and organization for writing may be seen as a culture-related literacy issue, as well as a disciplinary one. Discussion helped to clarify the issues related to this student's specific writing situation; a quantitative checklist was not enough.

Revising, stage 3: "writing to communicate." Sam's SQAT showed that he still was not comfortable accounting for the reader's background knowledge when revising. In terms of SQAT Content, Sam was unsure if he had presented all relevant views on his topic accurately or if his footnotes functioned properly. With respect to SQAT Organization, Sam indicated that he was unsure if his paper's organization was consistent and unified throughout the document. These unchecked items, along with Sam's SQAT comment that, "for publication purposes," he would have to "work more on the gaps in the paper" signaled to the writing teacher what to look for when reviewing and discussing

Sam's paper. The TQAT showed that Sam had made a good beginning addressing his SQAT's unchecked items (stated above) and that he had also done a good job emphasizing key points in his paper, although he could have done more in the Introduction section by following the template provided by the SQAT/TQAT Stage 2.

Content law professor's evaluation. After final revision, Sam's grade for his research paper was A-. The law professor did not give Sam feedback after he submitted his twenty-eight paper to complete a two-credit law course.

Summary of Results for Research Question 3

Quantitative analyses for nominal data to answer Research Question 3 showed overall and individual results across the three stages of writing (pre-writing, drafting, and revising). Overall, student participants overestimated the quality of their writing produced in the learner-centered (pre-writing and drafting) stages especially. Less of a difference in quality assessment was reported for revising, the reader-centered writing to communicate stage. One possible interpretation may be that the students had not only developed as writers and thinkers by this stage but also they were prepared with techniques and strategies for revising and editing from the writing intervention that included formative assessment (structured feedback) from the writing instructor. The finding that one acculturated and one un-acculturated student appeared in each block of learners on the quality assessment continuum (Figure 4) lends support to writer development and preparedness for stage 3 revising.

Individual results reported for Research Question 3 ended with the law professor's summative evaluation for each case. The three un-acculturated student

participants participating in the academic legal writing course at the time of the study each received A-. The two acculturated student participants with native-like English language proficiency each received B+. The third acculturated student participant, the Ph.D. law student with less than native-like proficiency, received an A.

The SQAT/TQAT evaluations, in contrast to the law professors' evaluations, were formative assessments that took place at three different times during the writing process. Evaluations at each stage of writing were designed to give student writers objective, structured, and systematic feedback for developing their research writing rather than for assigning grades or judging the writers' learning based on his or her writing product. In sum, individual findings relate to learner development and competence in communication during the process of writing a scholarly legal research paper.

The next chapter (5) presents the qualitative results, and the final chapter (6) presents a synthesis of the qualitative and quantitative results.

CHAPTER 5: RESULTS OF THE QUALITATIVE DATA ANALYSIS

Introduction

This chapter presents the qualitative results from the *Interview Protocol* (IP) and the *Strategic Competence Questionnaire* (SCQ) for each participant in three recursive stages of scholarly legal writing. Qualitative key theme analyses from (a) student participant responses to the IP, (b) student participant responses to the open-ended questions on the SCQ, and (c) relevant definitions from the questionnaire create profiles of multilingual graduate student writers (N=6) showing the following: (a) how the learners go about their legal research writing task; (b) how they use writing strategies and CALP skills to present legal research effectively in academic English using ABC legal style (for accuracy, brevity, and clarity); and (c) when they make the cognitive transition to knowledge-transforming from knowledge-telling (if at all) in their scholarly legal writing process.

Besides identifying main themes and unexpected findings, qualitative research results from the IP ([Appendix D](#)) also identify underlying problems and issues for student participants, along with their most helpful strategies from the perspectives of the learners themselves. These perspectives disclose variables related to strategic competence across three stages of scholarly legal writing (pre-writing, drafting, and revising) for each student participant while writing his or her major legal research paper, fall 2008.

Roadmap

The results are organized by case in the different stages of scholarly legal writing. These stages correspond to the sections on the SCQ which explore strategies, skills, and

the following related strategic competence constructs of importance to professional-level language learners: (a) knowledge transforming (versus knowledge telling), (b) developing as a legal thinker and writer across stages, (c) explicit strategies instruction, (d) feedback during writing, and (e) proficiency defining abilities for competence in expository legal writing. Information from the semi-structured IP and the open-ended SCQ questions, presented under the above-mentioned sub-headings, combine to answer the "why" in *Research Question 2*: For each stage of the scholarly L2 legal writing process, which writing strategies and CALP skills do the learners think are the most useful and why?

Cross-Validating the Results

Juxtaposition of the qualitative data with the quantitative data from the SQAT/TQAT instruments (*Research Question 3*) provides triangulation at the end for each case. A member-check follows the summary of the learner and teacher quality ratings for each case when reported; five student participants reviewed researcher analyses for both Research Question 2 and 3 and provided a written response.

Defining Terms

Writing strategies are actions or activities consciously chosen by learners from among language, literacy, and culture alternatives for the purpose of regulating their own writing in a specific sociocultural setting (adapted from Griffiths, 2008; Oxford, forthcoming). CALP refers to formal academic language proficiency (in contrast to informal social language proficiency). This includes listening, speaking, reading, and writing about legal content material. This level of language skill is essential for students to succeed in U.S. law school classrooms—a de-contextualized academic situation. All students need time and support to become proficient in academic or disciplinary areas, and for non-

native speakers, it is thought that this can take from five to seven years at lower levels. Problems arise in law school context when professors and administrators assume that a graduate student is proficient in academic or disciplinary writing when a student demonstrates good social English orally. CALP skills in the SCQ are defined as skills for language processing: that is, paraphrasing, summarizing, synthesizing, and analyzing information from printed legal sources to communicate thinking and avoid plagiarizing.

Results Case 1- Gee

Areas of Concern before Writing (SCQ 1)

The SCQ (stage 1) showed that Gee's areas of concern before writing her major research paper, fall 2008, had to do with language and composition skills (question 5)—not with writing knowledge (question 6). Gee was an experienced graduate student writer. Even though she had already earned a J.D. degree in a U.S. law school, she was still "very" concerned, however, with the following components of research writing: organization, meaning (content analysis), legal style (for accuracy, brevity and conciseness), references and citations to scholarly works, and stages in scholarly legal writing.

Pre-writing, "Researching to Learn" Stage (SCQ 1)

The SCQ (stage 1) and the interview showed that Gee found both conceptual and rhetorical legal reading strategies most helpful when reading to find a topic, thesis, or claim for her major analytical research paper, fall 2008. She (a) read for a purpose; (b) drew conclusions from the reading relevant to her topic; and (c) noted aspects of

organizational structure for reuse in her writing. "Seeing how other people organize this type of paper" was helpful to her. She said she read other writers for modeling of style and organization, and to see who other authors cited as sources.

In terms of CALP skills used for pre-writing, the SCQ showed that Gee summarized information simply by reducing source text to prepare to write the first draft of this paper—not a typical analytical paper. In her interview, she said she wrote the Introduction without formulating a thesis, which she related to motivation and to writing purpose. Gee said she did not like writing this paper for many reasons, some personal. She did "not intend to publish it."

Drafting, "Writing to Learn" Stage (SCQ 2)

For getting words and concepts down effectively on paper while drafting, the SCQ (stage 2) and the interview found two strategies most helpful. First, Gee used her knowledge of audience and purpose for writing to guide her drafts. She said she focused on her professor who "re-iterated the purpose" for her: that is, to write a proposal for the new Obama administration rather than a "typical analytical paper." Second, she rejected irrelevant substantive content in the readings while she wrote. Because "few things [were] written" about her topic, Gee had to "disregard" most of the secondary source papers she had read to prepare for writing.

In terms of CALP skills for drafting, the SCQ and the interview showed that Gee used all the CALP skills; one language processing skill was not more helpful to her than another at this stage of writing. She (a) paraphrased information by putting source material (text) into her own words; (b) summarized information simply by reducing source text; (c) summarized information complexly by selecting and reorganizing source

text; (d) synthesized information by combining and connecting source text; and (e) analyzed information by reflecting and breaking down source text into its parts. Her use of various CALP skills suggests different levels of writing purpose.

The SCQ showed that Gee used four broad levels of writing purpose for "effective drafting": (a) she wrote to state knowledge by listing, repeating, or paraphrasing source text; (b) she wrote to understand, remember, summarize simply, or extend notes to herself; (c) she wrote to learn, problem-solve, summarize complexly, or synthesize source text information; and (d) she wrote to critique, persuade, or interpret evidence selectively and appropriately. Gee said she did not use a language other than English in this (drafting) stage, or in any other, for writing her paper.

Revising, "Writing to Communicate" Stage (SCQ 3.a)

The interview showed two strategies particularly helpful for Gee to revise her major paper, fall 2008. First, she re-ordered her writing as she revised. She "did this in a lot in different sections" and noticed that, when re-reading her own paper, most of the revision was "with respect to the ordering" of information. Second, Gee asked herself if she addressed the needs of her reader. In "writing for the new Obama administration, [she was] more focused on practical recommendations than analysis."

Gee found one strategy particularly helpful to edit effectively before submitting her paper to her professor for assessment, fall 2008: that is, she proofread her legal writing for appearance (for example, spacing, and indentation). She said that she spent "half an hour on indentation" alone. Appearance was most important for her in this particular paper—more so than "word choice," for example.

Gee found one grammar strategy most helpful to communicate effectively in

writing before submitting her paper for grading: that is, she made one point per sentence, preferring simple and complex sentence structures to compound sentence structures. Rather than combining ideas, Gee isolated an important idea by writing another sentence to emphasize its importance in an attempt to persuade the reader. She wanted readers to make "their own decision before I made it for them." This was a key grammar strategy for Gee. In her interview, Gee emphasized that (a) this was "one thing she used [from] last semester when she studied with [the researcher-L2 writing teacher]", and (b) she used this grammar strategy "not just in the editing stage."

As in the drafting stage, the SCQ showed that Gee used all five CALP skills when revising to communicate to her law school educated reader and all four levels of writing purpose. She said she "tried to be very basic" in her use of language at this point in order to be persuasive. Gee would have liked four days to revise but she had to work within limiting time constraints. She said she "really did" two drafts; the second draft dealt more with recommendations in contrast to the first draft which had "too much" background information. Gee said that a third draft "would have been useful" but she would have needed not just time but also distance "to do" draft three. When re-reading her second draft and reviewing her citations, Gee noticed there were "a lot of things" she could have improved; she "could have tied it all up" in a third draft.

Knowledge Transforming (SCQ 3.a)

Not surprisingly, the SCQ (stage 3) showed that revising was not the most effective stage for transitioning her writing from *knowledge telling* (stating knowledge) to *knowledge transforming* (deepening her level of understanding to include synthesis and evaluation of research). Gee emphasized in her interview that although synthesizing

(composing by combining and connecting) was her most helpful strategy for writing her major analytical paper spring 2008, this was not the case for writing her paper—a proposal—fall 2008.

The particular SCQ knowledge transforming strategy that helped her the most to deepen her thinking was integrating propositions (statements, assertions) for comprehensiveness. The particular strategy group that helped her the most to deepen her thinking while revising was *rhetorical transforming* for binding her paper's overall structure. The particular *linguistic transforming* strategy that helped Gee the most to transform text information while revising, giving her authorship of her paper fall 2008, was summarizing (composing by selecting and reorganizing).

Developing as a Legal Writer across Stages

In her interview, Gee said that neither previous legal writing activities (SCQ stage 1) nor her use of strategies for writing this proposal—an atypical paper—helped her develop competency as a legal writer while writing this paper (proposal). She said that the stage 2 (SCQ and SQAT) writing materials did help her develop competency as a legal writer, however, because she was unsure of genre or "the type of paper" she was writing. For example, she did not know if her paper "should have large or small-scale organization," and these (SCQ and SQAT) materials helped her problem-solve.

Explicit Strategies Instruction (SCQ 3.b)

Gee found direct (explicit) writing strategies instruction important at *all* stages (pre-writing, drafting, revising) to develop an *efficient writing process*, fall 2008. Gee said that strategies gave her a "roadmap of things to look for because [she] did not know how to edit" her own work before taking the writing course and using the materials. "I

was very afraid to do it because I did not have the strategies to do it; they were very helpful."

Formal instruction was important for Gee at *all* levels (conceptual, rhetorical, and linguistic) to develop an *effective writing product*. The strategies "broke down the conceptual, rhetorical, and linguistic" for her so she was able to look at her work "differently at all those levels." She said she "wasn't aware before," and she is "able to look at work differently" now. Without feedback from her writing teacher (researcher) and her professor, Gee said she "couldn't have moved on."

Writing Feedback (SCQ 3.b)

Gee reported that three kinds of direct (explicit) writing feedback helped her complete her fall 2008 paper, but the most important was interactive and substantive feedback from her law school professor: (quote)

Professor..., here is a draft of my paper. I am having problems. It is only eleven pages long and I need to add more material but I am not sure what to add. I know that paper still needs more work—I need to include more of my own ideas in it. Also the footnotes need to be cleaned up. I really need your advise [*sic*] and recommendations. Thank you.

Feedback from her content law professor was more important to Gee than feedback from her writing teacher or from her peers because it helped "define purpose," especially at the beginning. Gee said it helped to talk to her professor at the beginning of the paper, but she said she did not understand her professor this semester. She said part of the problem was the new kind of paper she was writing, but part of it was that she should have "reached out more" to him to (a) "feel more confident in what you are doing; (b) not

waste time doing something else; and (c) help define your purpose because they know the topic better than you." In order for Gee to thrive as a legitimate participant in her scholarly legal discourse community this semester, Gee said in her interview that she needed "more feedback interaction with [her] professor during every stage of the writing process."

Proficiency Defining Abilities (SCQ 3.b)

When reflecting on her proficiency defining abilities near the end of the interview, Gee said that what she gained most was the ability "to self-edit" with "the strategies to do it" because she used to be "so afraid" to read her own writing:

Now I know that you can read for content; you can read for grammar; you can read for many different things; and knowing that makes me feel better; and knowing that everyone does that makes me feel better....Knowing that professors [experts] read and re-read to edit their work helps me...makes me feel better....I have to study this more. I took your class but I did not study it enough. Sentence structures, using short and long sentences, require editing.

The ability to self-edit was helpful to Gee even when she knew she had "to work on sentence structures more" for a third draft, which she did not want to do or have time to do for this paper (proposal). Gee said that she did not feel like she had a professional identity related to writing because she had not yet started working as a lawyer (fall 2008).

Summary, Case 1

For each stage of the scholarly L2 legal writing process, the interview found which writing strategies and CALP skills were most useful to Gee and why. Conceptual and rhetorical pre-writing strategies were most helpful for researching her topic: that is,

reading for a purpose, drawing conclusions relevant to her topic, and noting aspects of organizational structure for reuse in her writing. Two drafting strategies were most helpful for getting words and concepts down effectively on paper: (a) using her knowledge of audience and purpose to guide her drafts, and (b) rejecting irrelevant content in the readings. Re-ordering her writing as she wrote, and asking herself if she met the needs of her reader, were most helpful for Gee to decide what should be changed, deleted, added, or retained while revising her major paper (proposal), fall 2008.

Strategies analysis across SCQ stages showed that Gee moved from summarizing simply (in the pre-writing stage) to summarizing complexly (in the drafting and revising stages). Summarizing complexly became most helpful for Gee to write her atypical paper (proposal) and show legal domain learning. When composing from multiple sources, knowledge transforming strategies helped her, especially the strategy of integrating for comprehensiveness. Another key strategy for Gee throughout was making one point per sentence to emphasize and persuade her legal reader. This strategy was a bridge to competence in communication in scholarly legal writing for Gee. In terms of related proficiency defining abilities, Gee said what she gained most was the ability "to self-edit" with the "strategies to do it." The ability to edit in English "for special legal purposes such as scholarly writing" is a characteristic of functionally native proficiency (ILR level 5) found in the SCQ.

In sum, writing strategies were a bridge to increased proficiency and to competence in communication for Gee. Time and motivation became key issues for her once she began her legal research writing because the task was atypical in form, and the topic was undeveloped in the legal research literature. "I think time and motivation are

definitely linked. I think I would have gotten an A like I did on my paper last semester [if I had more time]" (Gee, personal communication, January 27, 2009).

Triangulation, Case 1

Comparison of the responses on the SQAT/TQAT instruments reveal that Gee had resolved, or was in the process of resolving, some issues of concern to her like organization, citations, and style but that some language and composition skills having to do with explicit versus implicit communication or meaning were left unresolved in her paper (proposal). More time spent on the "writing to communicate" (stage 3) to produce a third draft would likely have made a difference for Gee in this paper. Constraints on the time Gee needed to produce an excellent paper were de-motivating to her, however. Comparison of the SQAT/TQAT (stage 3, section b) reports on proficiency and instruction suggested that lack of time to produce an excellent research paper may not only decrease student confidence but also detract from professional identity.

Validating Member Check, Case 1

Donna, I think your interpretation of my writing process in this last paper is very accurate. Your analysis encompasses all my comments and gathers all the information I filled out in the forms you handed me. It identifies the writing stages I most concentrated on and the areas where I did not concentrate in the writing process. Also, you considered the time restraints that I endured as well as the lack of motivation aspect to writing this paper and how that affected the outcome. (Gee, personal communication, March 4, 2009).

Main Themes/Unexpected Results, Case 1

Salient themes for Gee's case center around the link between: (a) time, motivation,

and outcome; (b) stages and the use of surface-level versus deeper level writing strategies; (c) knowledge of strategies, control of fear, and self-regulation in scholarly legal writing; (d) self-editing ability, self-confidence, and writing proficiency; (e) strategies as a "roadmap" for editing; and (f) expert feedback during (rather than after) writing. In Gee's case, scholarly legal writing was seen as a social interactive process that included the law school professor for whom her paper (proposal) was written.

Results Case 2- Tory

Areas of Concern before Writing (SCQ 1)

The SCQ (stage 1) showed that Tory's areas of concern before writing her major research paper, fall 2008, had to do more with language and composition (question 5) than with writing knowledge (question 6). Tory was in her second semester of her graduate program, and she said she was "very" concerned with grammar and punctuation. Areas of concern in writing knowledge that were "somewhat important" included knowing more about: (a) "research writing as a process for effective legal writing"; (b) "the assessment criteria for scholarly legal writing"; and (c) her "academic world as material for L2 law classroom discussion." Given that Tory originates from a different educational system and that she is a polyglot who can use four languages as a lawyer (Romanian, Russian, French, English), a concern with writing knowledge specific to process, genre, and cultural context is not surprising.

Pre-writing, "Researching to Learn" Stage (SCQ 1)

Out of seven possible "reading to write" conceptual strategies on the SCQ, Tory found five most helpful when reading to find a topic, thesis, or claim for her major

analytical research paper, fall 2008—more than any other participant (Table 20). In her interview, she emphasized that she would read and interpret the text, talk back to the text, and draw conclusions from various legal sources that she would integrate with her own conclusions.

Tory re-iterated in her interview that she also found CALP skills helpful at this stage to summarize from her reading; then she paraphrased; then she synthesized. Tory said that the use of CALP skills is one of the "most important things to plant ideas in your thinking...you can apply them [later and] come up with your own ideas....You can compare them, contrast them, get to the stage where you can do the proper analysis." Going back to re-read with the use of CALP skills helped Tory generate ideas. "Organization and planning helped me a lot in my writing; synthesizing and analyzing a text [with] notes helped me with the legal analysis."

Tory also explained that talking to experts and peers also helps because it "makes you ask yourself more questions"; however, she did not "have a chance with this paper." She considered general problems related to the law school educated audience anyway, and made the effort to write clearly. The "writing part" took less time for Tory than the reading and re-reading which she said took most of her time. "Preliminary preparation" weighed most heavily in her process of scholarly legal writing.

Drafting, "Writing to Learn" Stage (SCQ 2)

For getting words and concepts down effectively while drafting her major analytical paper, Tory summarized information from persuasive legal sources as well as from "existing case law" to give her the foundation to begin writing. She focused on the Background section of her paper to get started. She monitored her text for errors while

she wrote and looked for "patterned errors." She wrote six drafts, changed her organization as needed, and either changed her ideas or made her ideas clearer as she wrote more drafts. She said that "drafting helps to refine language and ideas." "Revising and re-drafting helped me a lot to communicate my ideas with clarity and brevity; it also helped me to reach a deep understanding of the issues and to build substance in my ideas."

Revising, "Writing to Communicate" Stage (SCQ3.a)

Tory found eleven SCQ strategies particularly helpful for revising her major paper. First, she read critically and reflected on her own written drafts. She either read with a purpose in mind or she read for cohesion, making linguistic/grammar revisions for clarity and "aesthetics." She also asked herself if: (a) she repeated key words and phrases for cohesion and emphasis, (b) she included the right level of detail, (c) her purpose was clear, and (d) she used headings, subheadings, and logical connectors effectively. Tory revised her paper to ensure sentence to sentence (semantic) cohesiveness, and speaker to speaker (pragmatic) coherence. Although she does not usually add material at this stage, in this paper she said she did so. She also compared her paper to a model of scholarship when revising "just for organization." The interview showed that Tory had a clear idea of what she usually does and what she did with this paper and why.

After the first two drafts, Tory "typically edits at the end of each draft." For this paper, she found seven (out of eleven) SCQ editing strategies most helpful. She proofread her legal writing at least once for (a) form (*e.g.*, paragraph structure); (b) sentence structure (syntax); (c) proper word choice (diction); (d) punctuation; (e) spelling; and (f) citation. Editing for citation "is a slow, painful" process for Tory that she said starts at the

beginning.

Out of seventeen SCQ grammar strategies used, Tory found eleven most helpful. She checked whether her sentences contained concrete subjects and active verbs, she tried to avoid nominalizations, and she made one point per sentence, preferring either simple or complex sentence structures. She made her sentences affirmative, not negative; she preferred active voice to passive voice; she used parallel structures in sentences containing multiple elements; she used clear and logical lists with grammatically parallel elements; and she used familiar words instead of flowery language or ornate words. In addition, she used simple past tense for events that already occurred, she used quotations only when necessary, and she avoided long, multi-clause sentences ("headnote" legal style).

As in the drafting stage, Tory used two specific CALP skills for revising: she paraphrased information by putting source material (text) into her own words, and she analyzed information by reflecting and breaking down source text into its parts. In addition, Tory synthesized information by combining and connecting source text in this (revising) stage.

Also as in the drafting stage, Tory used two broad levels of writing purpose. She wrote (a) to learn, problem-solve, summarize complexly, or synthesize information, and (b) to critique, persuade, or interpret evidence selectively and appropriately. In contrast to her writing purpose in the drafting stage, Tory also wrote (a) to state knowledge by listing, repeating, or paraphrasing source text, and (b) to understand, remember, summarize simply, or extend notes to herself in the revising stage.

Knowledge Transforming (SCQ 3.a)

The SCQ showed that revising was the most effective stage for transitioning Tory's writing from *knowledge telling* (stating knowledge) to *knowledge transforming* (deepening her level of understanding to include analysis, synthesis, evaluation of research). One knowledge-transforming strategy was particularly helpful to her: using analysis to generate original content—"a strong tool for contrasting ideas." The interview showed that conceptual transforming (for refining her working thesis) was the strategy group that helped deepen her thinking in English the most while revising her major analytical paper, and Tory emphasized the importance of revision to do this. "Revisions helped me refine my ideas, understand them better, come to new conclusions, and deepen my knowledge about the subject."

In her interview, Tory added that "definitely reading critically" was important to her when revising (stage 3) and at "every stage." Tory views "reading critically" as trying to see if she's conveying ideas in her own writing "in a brief and a clear way.... Re-reading with a purpose in mind definitely helps make writing (a) clear for the audience; (b) cohesion with the next paragraph."

Tory said she normally "aims for ten drafts just to improve the paper," but due to time constraints associated with this paper, Tory wrote six drafts. In the first three drafts, she deepened the ideas, changed a few words, and added cohesion to achieve "liaison from one part to another" to improve her paper. In the final three drafts, she did "not change substance but made changes in the form and the clarity."

Strategic competence for Tory includes multiple drafts with the writer attending to substance before attending to form and clarity, although she generally tries to edit at the end of each draft. Citation is the "most painful" part of the process for Tory every

time she writes because attention to citations "disrupts" train of thought; Tory tries to put her citations in order every time she writes "to get it right from the beginning."

Developing as a Legal Writer across Stages

Tory's written responses to the SCQ open-ended questions describe how the strategies she used in each stage were helping her develop competency as a legal writer. SCQ (stage 1) shows that "organization and planning" helped her "a lot" in her "writing," whereas "synthesizing and analyzing a text with notes helped" her with "the legal analysis" (question 8). SCQ (stage 2) shows that "revising and re-drafting helped [her] a lot to communicate" her "ideas with clarity and brevity..., to reach a deep understanding of the issues, and to build substance" in her ideas (question 5). SCQ (stage 3) shows that "revisions helped" her "refine" her ideas, understand them better, "come to new conclusions and deepen" her "knowledge about the subject" (question 11).

Tory's written responses to the SCQ open-ended questions across stages also describe how writing a research paper in U.S. law school context is "completely different" from writing a paper in her home university law school in Romania: "In my home country the audience is composed of academic experts, therefore the writing is complex and formal" (SCQ stage 1, question 9). Her open-ended response to SCQ (stage 3) clarifies what is expected of her when communicating to her law school educated reader in that system:

The academic writing requires a formalistic approach; when revising a formal paper one had to make sure the paper was complex. I addressed to an audience of experts who approve [of] complex writing [and] use of legal terms and concepts without a prior explanation of the terms, as they [are] presumed to be known by

the audience (question 12).

Tory elaborated in her interview that simple sentence structures are used by people with less education in her native academic culture and that she was expected to be "more pompous and complicated" in her [academic legal] writing.

They don't teach you how to write anything; you're either a good writer or you're not....Coming here, taking this course, you realize it can be a learned process....definitely if you're innately a good writer, you can become better, which is good...helps you a lot as a person and you can definitely see improvement.

Explicit Strategies Instruction (SCQ3.b)

The SCQ showed that direct (explicit) writing strategies instruction was "very important" in the pre-writing stage for Tory to develop an *efficient writing process*, fall 2008, but only "somewhat important" in the drafting stage. In terms of developing an *effective writing product*, direct instruction was important at the *early* conceptual level. In her interview, Tory explained that instruction was "most important in the early stages because you have to know how to proceed." Also in her interview, Tory said that initially she "underestimated the significance of the class" which was "important" for her, "coming from a civil law country where we have a completely opposite style of writing."

Writing Feedback (SCQ3.b)

Direct (explicit) writing feedback was important for Tory as a second language (L2) legal writer to complete her fall 2008 research paper. Interactive and corrective feedback from her legal English writing teacher was very important, and content law professor interactive/substantive feedback was also considered very important although

not available for Tory in this paper. Tory did not identify additional kinds of writing tools or support from the SCQ that she might need to survive or thrive as a legitimate participant in her scholarly legal discourse community. She simply emphasized in her interview that "paraphrasing is golden," as is planning and organization.

Proficiency Defining Abilities (SCQ3.b)

On the "Can Do List of Defining Abilities" for writing at the level of professional proficiency (and higher), Tory checked positive for almost every item. She could not say that she makes "more [Level 3] errors in the low-frequency complex structures" (gerunds and infinitives), however. From Tory's view, she "doesn't make many errors." Similarly, she could not say that she "can edit for special legal purposes such as scholarly writing." She is "totally capable of doing it" but has "no training" other than editing her own work.

For Tory, the concept of "editing" in the context of professional proficiency implies skills leading to publishing, not a stage in writing. It implies "seeing (a) if a paper has any potential for a professional law review; (b) strengths and weaknesses; (c) citations (the technical part)"; and (d) shortening, re-phrasing, and re-formatting, all of which "helps to speak" ideas and writing in English. Here Tory connects speaking and writing. She said she believes that her strengths in L2 writing with academic legal English can be transferred to her native language.

Tory concluded her interview by saying that after the writing course had finished, she saw "substantial improvement": she had "improved confidence, was able to convey ideas better, and [was] confident that she can convey ideas." She said that "there's a whole technique... you can just follow... [to] convey your ideas better....Just like cleaning your house: if you know where every single book is, then you don't have to

waste time looking for it and you feel in control...Same with this...I feel more in control" doing the research with summary and paraphrase and with citation. Tory said she knows she is "smart enough to compare and to know the conclusions: that is your original work, your input." CALP skills were "new knowledge" for Tory, as was the process of constructing knowledge from L2 legal sources:

I think I came to master this and I think this is very good because it helps you in any field; it organizes you as a person, as a thinker....Gives you confidence because you think everything [in writing] is in your control.

Summary, Case 2

For each stage of the scholarly L2 legal writing process, the interview found which writing strategies were most useful to Tory and why. Strategies analysis across stages revealed a focus on the interrelation of "reading to write" conceptual strategies and CALP skills for pre-writing that contributed to a cognitive process that not only developed Tory's thinking but also generated new ideas for her paper. The interview found that strategic competence for Tory included multiple drafts; revisions helped her to refine ideas, understand them better, come to new conclusions, and deepen her knowledge about her legal research topic.

Although Tory was very" concerned with grammar and punctuation before she started writing, her key issues deepened as she progressed with her research paper writing task. In her interview, Tory mentioned the value of (a) knowing CALP skills for constructing knowledge from multiple sources; (b) the connection between speaking and writing (as productive skills); and (c) the feelings of confidence and control that come from knowing about writing strategies and CALP skills for scholarly legal writing.

Triangulation, Case 2

Comparison of the responses to the SQAT/TQAT instruments reveal that Tory had resolved most issues of concern to her before submitting her research paper for credit to her content law professor. Further comparison of the SQAT/TQAT (stage 3, section b) assessments shows general agreement between the learner and writing teacher with one difference being that, from the teacher's point of view, Tory had very much improved in her ability to revise in response to feedback. Both agreed that Tory had improved as a scholarly writer in areas other than fluency and grammatical accuracy, given her already strong command English—her third academic language after Russian and French (in which she had prepared to be an interpreter). In her interview, Tory commented that, above all, she "feels more in control [now] because things she doesn't know can be improved." From Tory's point of view, she may not have "dramatically" improved as a scholarly legal writer spring/fall 2008 because she was "innately a good writer," but she "got a boost in confidence."

Validating Member Checks, Case 2

Below are two member checks. The first one followed Tory's review of the dissertation responses to Research Question 3 (chapter 4) and Research Question 2 (chapter 5). The second one followed her review of her case with all the analyses, including her first member check and *Main Themes/Unexpected Results* below.

Dear Donna, Your summary and interpretation of my writing technique and process are very accurate. Your analysis captured all the phases I went through during my writing process and encompasses all my comments and information

that I have given you when I filled out your questionnaires (after each writing stage.) In addition, you considered the time constraints that I experienced while writing my paper, which forced me to go through the writing stages a little faster than I would have preferred. Best,..(Tory, personal communication, Dec.17, 2009).

Dear Donna, Your analysis addresses all the issues I experienced while writing the paper; it also addresses all the progress I've made grace to the techniques you suggested I implement in all stages of writing. Therefore, you assessment is very accurate and to the point. Best,...(Tory, personal communication, December 22, 2009).

Main Themes/Unexpected Results, Case 2

Salient themes for Tory's case center around: (a) time and stages for writing; (b) the confidence and control that come from knowing about writing strategies and CALP skills (that is, "control and doing the research with summary and paraphrase and with citation," thereby avoiding plagiarizing); (c) the interrelation of strategies and CALP skills for developing thinking, deepening knowledge, and generating new ideas; (d) the link between multiple drafts and strategic competence; (e) the importance of knowing about process, genre, and cultural contrast for L2 legal writers; (f) metacognitive writing strategies and the importance of planning and organizing (as "preliminary preparation"); and (g) the use of CALP skills for constructing new knowledge, with the CALP skill of paraphrasing as "golden" for highly proficient multilingual writers.

Results Case 3- Ferra

Areas of Concern before Writing (SCQ 1)

The SCQ (stage 1) showed that Ferra's areas of concern before writing her major research paper, fall 2008, had to do with writing knowledge (question 6) as well as with language and composition (question 5). With respect to the former, Ferra indicated that it was "very important" for her to know more about (a) how to write in English from L2 legal sources and (b) the research writing process for effective legal writing. With respect to the latter, language and composition, Ferra checked the following "very important" areas of concern before writing her major analytical paper, fall 2008: organization, grammar, meaning (content analysis), legal style (for accuracy, brevity, and conciseness), formal versus informal language (register), references and citations to scholarly legal works, and stages of writing. Of these, Ferra's interview isolated organization and legal style as her two most important concerns.

Pre-writing, "Researching to Learn" (SCQ1)

The SCQ and the interview showed two legal reading strategies most helpful for Ferra to find a topic, thesis, or claim for her major analytical research paper, fall 2008. Both are in the "conceptual" strategies category, the most helpful strategy being that she read for a purpose. The second most helpful strategy was that she "talked back to the text" by problem posing while reading. Ferra said she also used texts or quotes from experts to stimulate thoughts and ideas. In this way, she combined reading, note-taking, and thinking to discover what was important or true for her about her research topic, thesis, or claim. She explained in her interview how re-using text can be very helpful:

"the idea is to use that as the top of a part of your paper (a) to write immediately, without a plan, and (b) to find connections." In this way she can "put down many ideas to work and re-work them" and reduce the number of pages in her paper later. The most helpful CALP skill she used for pre-writing was paraphrasing information by putting source material (text) into her own words. Ferra never used her L1 for "anything including CALP summarizing, paraphrasing, or making comments" in this pre-writing stage.

In response to the first open-ended question for pre-writing (stage 1, question 8), Ferra said the strategies she used in this stage helped her develop competency as an L2 legal writer:

The strategies used in the pre-writing stage (1) helped me to be concise and select only the information which is relevant to the purpose of my paper. My key pre-writing starting strategy, in fact, has been to focus on the purpose and select my information according to this purpose (question 8).

Drafting, "Writing to Learn" (SCQ2)

In her interview, Ferra said she found eleven drafting strategies most helpful (out of seventeen used). First, she focused on what authority is predominant to begin writing. As she pointed out in the SCQ pre-writing section, Ferra paraphrased from legal sources to begin writing—a knowledge telling strategy. She said, however, that it is "sometimes better to quote when a statement is relevant." She also reordered information from legal source texts to use in her drafts, and she conferenced with her instructor/professor to refine and clarify her ideas. In addition, Ferra considered various ways of organizing ideas related to her purpose when her paper's structure was not clear to her yet.

Later in the drafting stage, Ferra said she rejected irrelevant substantive content

while she wrote. She reassessed her purpose as needed and made her ideas clearer as she wrote more drafts—as many as ten. She used an American legal English dictionary to read but not to write, and she wrote in English, leaving gaps for missing English words. If there was a gap, she "wrote sentences in Italian."

Grammar was "absolutely" not important for Ferra in her drafting (reading and writing) process. She used CALP skills to synthesize and summarize in Italian. Combining and connecting source text (synthesis) was most helpful for Ferra in this (drafting) stage of writing in which she wrote (a) to learn and (b) to critique. In her interview, she added that "someone who does not know about the topic can be more useful at this point because you have to be more comprehensive." The interview also showed that "synthesizing" is the same as "summarizing" when translating from Italian; Ferra emphasized that "we [Italians] do not have this word."

Revising, "Writing to Communicate" (SCQ3.a)

The SCQ showed that ten revising strategies were most helpful to Ferra: "Here I can be more effective at this point." First, she read critically and reflected on her own drafts, not to change ideas but to "sharpen" her own thinking so she could be "clear, concise, comprehensive and more effective" as a legal writer. She re-ordered her writing as she revised, not changing the structure, only the paragraphs. She also made lexical and vocabulary revisions, asking herself if she repeated key words and phrases for cohesion and emphasis. She asked herself if her purpose and message would be clear to the reader, and she got feedback from her writing teacher (researcher). When revising, Ferra asked herself if she used logical connectors effectively. The SCQ showed that Ferra revised her paper to ensure (a) sentence to sentence (semantic) cohesiveness and (b) speaker to

speaker (pragmatic) coherence.

Ferra reflected in her interview that editing was the "worst part" of the revising process for her. Although she used all the strategies except peer review with fellow classmates, she felt she was "not able" to edit well and got "upset" with the detail, especially with footnotes. "There is no issue about editing in Italy for [a] dissertation." Her Italian Ph.D. advisor did not ask her to edit her paper, and when "you write an article for a law review, they make the editing part." Each law review has its own style, so "there is no issue" of one standard, Ferra said.

Nevertheless, even though she "does not like this stage," Ferra tried to use all of the grammar strategies when revising but not always with success. She said she tried to make one point per sentence, make her sentences affirmative (not negative), and avoid long, multi-clause sentences ("headnote" legal style). Her most helpful grammar strategies were those that addressed the contrast between Italian and American expository writing style. Her most helpful plain English writing strategies included the following: Ferra checked to see (a) whether she used short and medium-length sentences, and (b) whether her sentences contained concrete subjects and active verbs. "Short and medium-length sentences is my kind of problem" because Ferra said she can be unclear if she writes long sentences with two ideas instead of one. She also tried to avoid nominalizations. She preferred active voice to passive voice with some exceptions because "passive voice is sometimes more effective", and she used parallel structures in sentences containing multiple elements. She also used familiar words instead of flowery language or ornate words. She kept subjects and verbs, and verbs and objects, undivided—without interrupting phrases. In addition, she used precise transitions to

convey exact connections.

In terms of the most helpful CALP skills used, analyzing information by reflecting and breaking down source text into its parts was Ferra's "way to be clear." Her purpose was to critique and "go beyond what others have said." Although Ferra thought that stage 3 (revising) was "too late" for knowledge transforming, which began for her in stage 2 (drafting), she did find that analysis to generate original content was a most helpful strategy for deepening her thinking in English in both the stages of drafting and revising. In addition, the use of plain English (A,B,C American legal writing style) strategies to revise for accuracy, brevity, and clarity in thought helped her the most in this revising stage.

Linguistic transforming was the one strategy group that Ferra said helped most to get away from the language of source texts when revising. However, both *conceptual transforming* (for refining her working thesis) and *rhetorical transforming* (for binding her overall structure) helped her the most in stage 2 (drafting). Although Ferra used a number of *linguistic transforming* strategies "at the end of stage 2" (drafting), the one that helped her the most to transform text information while revising, giving her authorship of her major analytical paper for the semester, was the use of lexical repetition (that is, repeating key legal terms and phrases). The SCQ showed how the strategies she used in this (revising) stage helped her develop competency (proficiency) as an L2 legal writer:

The revising stage is the stage which allows [me to] make the purpose of the paper effective. I think that only at this stage it is in fact possible for the reader to see completely the transformation of his or her thoughts, making them coherent and cohesive. I found particularly effective to review the passage between the last

paragraph of one section and the first paragraph of the following one. It is only through this process that the thesis pursued by the reader has the capability to be effectively proved and completely harmonized with the context. (question 11)

Developing as a Legal Writer across Stages

A review of the SCQ during the interview showed that writing a research paper in U.S. law school context clearly contrasts with Ferra's first legal language academic writing process and non-native English speaker background and experience. The SCQ (stage 1) showed how preparing to write a research paper in U.S. law school context is similar or different from preparing to write a research paper in her home university or law school:

The process is completely different. Firstly, in my own country (Italy) there is no academic course which introduces students to writing skill. Mainly because all the exams are oral and students are not required write a paper. The approach to legal writing is required only at the end of the 4 years through the presentation of a dissertation which is usually no less than 200 pages long. This means that the kind of work required is completely different from writing a paper of 30-50 pages long. However, the pre-writing and the writing process are very personal. Each student is free to use his own strategies without any standardization. (question 9)

Ferra's responses to the first open-ended question for this (pre-writing) stage and for the next (drafting) stage both revealed that the strategies she used for writing helped her develop competency as an L2 legal writer. For drafting (stage 2), she said that:

As already pointed out..., Italian students do not follow this complex process in order to write their dissertation. As Ph.D. student I can say that it is the same also

for academic writer. The different process I have followed for my U.S. writing experience helped me to focus on the scope of my writing. If the writer decides to fill a purpose which it states at the beginning, it is easy to make it clear through research, but it is not easy to change it. This means that you can change your thesis, but not your purpose. In other words, the question to be answered is always the same, but the answer can be different after completing the writing process. Maybe, the Italian writing process does not allow achieve the same goal. However, I feel that there is some kind of standardization in deciding to follow precise legal writing strategies. (question 12)

The second open-ended SCQ question for revising (stage 3) showed how revising a research paper in U.S. law school context is different from revising a research paper in Ferra's home university law school:

As I have already said in the other two stages there is no similar process in an Italian University even if I think that this stage is particularly important for an advanced writer in order to make effective the purpose of the paper. (question 12)

Explicit Strategies Instruction (SCQ3.b)

The SCQ revealed that direct (explicit) writing strategies instruction was very important at *all stages* and at *all levels* (conceptual, rhetorical, linguistic) for Ferra to develop an *efficient writing process* and an *effective writing product* respectively, fall 2008. In her interview, Ferra said that her experience learning scholarly L2 legal writing increased her proficiency level "partially." She explained that she had been building proficiency over time but that the ABC legal style [and strategies for] writing helped her improve the most "to be concise, to be effective, to be clear, and to be brief" within a

limited number of pages.

She also said that she "doesn't really know what 'strategies' means": that the "idea to write an introduction is important" along with a thesis or claim of what she wants "to prove." She said she never thought of "purpose" when writing papers in the Italian "academy." Italian professors only asked her to write on a topic: not one with a specific [limited] purpose and not one with a thesis that moves in a specific direction. The cultural "issue" for Ferra is freedom in Italy versus a more focused approach in the U.S. where she was "not just writing" but thinking of what she was doing, saying to herself, "O.K. Now I am organized. I know what I am doing." She said she became conscious of her actions, "trying to make clear (a) facts of my paper, (b) scope of my paper, and (c) what I want to prove in my paper." Ferra was affected also by her L1 Italian—a "problem all non-U.S. students have"—as well as by time constraints. Exams in U.S. law school context, she elaborated, were a "physical task" for her, not a "mental task." She really did not understand what her L2 exams were trying to measure.

Writing Feedback (SCQ3.b)

Direct (explicit) writing feedback was also very important for Ferra as an L2 legal writer to complete her fall 2008 major research paper: that is, (a) interactive and corrective feedback from her legal English writing teacher; (b) correction and explanation from both peer native-English speakers and peer non-native English speakers (class-mates); and (c) interactive and substantive feedback from her content law professor. Her content law professor commented to the writing teacher (researcher) that she was impressed with Ferra's ability to solicit feedback from her.

Proficiency Defining Abilities (SCQ3.b)

Ferra said she improved most in her ability to be concise, effective, and clear in writing. She reported that page limits and a focus on the Introduction and Conclusion when revising "helped a lot." Editing at the functionally native proficiency level was still not possible for Ferra, however. From her point of view, editing at a professional level of English is not simply a native/non-native speaker issue but one having to do with contrasting "academic systems, academic conventions, and [academic] standards....Other students also have this issue."

Ferra did not identify any additional kinds of writing tools or support she might need to survive or thrive as a legitimate participant in her scholarly legal discourse community. She was the one student writer who went on to stage 4 to publish her major 2008 paper in an international law journal (not part of this study). Ferra did say in her interview, however, that she "feels more comfortable" now, and is at a "higher level in writing than in speaking." When she speaks, Ferra said that she sees her mistakes (real-time), whereas in writing she can correct them.

Summary, Case 3

For each stage of the scholarly L2 legal writing process, the interview found which writing strategies and CALP skills were most useful to Ferra and why. Strategies analysis across stages showed that revising was a key stage for Ferra because "only at this stage it is in fact possible for the reader to see completely the transformation of his or her thoughts, making them coherent and cohesive." A revising strategy that Ferra found particularly effective was "to review the passage between the last paragraph of one section and the first paragraph of the following one." Other key strategies occurred in the pre-writing stage when she focused on purpose and selected information from source text

according to this purpose; in other words, re-using language for constructing knowledge: "The strategies used in the pre-writing stage helped me to be concise and select only the information which is relevant to the purpose of my paper" (SCQ open-ended question 8).

Key issues for Ferra were the following: (a) international student writers can experience contrasting academic conventions, standards, and systems for assessment; (b) editing can be an affective issue as well as one related to knowledge and skill; and (c) the speaking-writing connection is important to explore for learners coming from different academic systems and cultures of scholarship.

Triangulation, Case 3

Comparison of the responses to the SQAT/TQAT instruments reveal that out of 15 items on Ferra's self-report on proficiency and instruction, Ferra checked 11 that show how she improved as a scholarly legal writer, spring/fall 2008. Out of those 11, the teacher agreed with the student's self-assessment. Whereas the student checked an increase in fluency, her interview clarified that the student meant an increase in the proficiency level of her writing. The teacher noted increased fluency in both speaking and writing, however; Ferra was able to speak about her writing fluently at the time of the interview.

Two areas of strong agreement were a much more (a) efficient legal writing process and (b) effective writing product compared to spring 2008. In addition, Ferra checked that her motivation had very much improved, but that her confidence had only "somewhat" improved. She said she had somewhat improved her ability to revise in response to feedback and to self-edit. Overall, Ferra reported that she had a stronger professional identity now.

Validating Member Check, Case 3

Not available.

Main Themes/Unexpected Results, Case 3

The Interview Protocol for Ferra's case revealed how strategic competence may be related to areas of student concern associated with (a) language and composition as well as with (b) knowledge, especially pre-writing as a stage in scholarly writing.

Salient themes include the links between: (a) the revising stage and transforming thoughts because "the answer can be different after completing the writing process"; (b) language re-use and *linguistic transforming* for constructing knowledge and developing competency in L2 legal writing; (c) editing as more than a native/non-native speaker issue: that is, one having to do with contrasting "academic systems, academic conventions, and [academic] standards; (d) legal writing "style" and cultural contrast; (e) oral and written L2 speech, especially for revising (stage 3); (f) knowledge of editing skills, professional identity and proficiency; (g) metacognitive knowledge, cultural awareness, and conscious use of strategies as tools for L2 writer development; and (h) the concept of synthesis as part of L2 legal writing vocabulary (in contrast to L1 Italian); and (i) law school exams as a "physical task" in contrast to a "mental task" for L2 legal writers.

Results Case 4- Liv

Areas of Concern before Writing (SCQ 1)

The SCQ (stage 1) showed that Liv's areas of concern before writing her major research paper, fall 2008, had to do with both language and composition (question 5) and with writing knowledge (question 6). Liv checked each item in both these two categories as "very important." The SCQ and the interview showed that Liv had prior experience writing academic papers for law school in her native language as an undergraduate student.

Pre-writing, "Researching to Learn" (SCQ1)

The interview for Case 4 showed that Liv's "reading to write" strategies were most helpful, especially reading for a purpose. She said that she "browsed for content" that she was looking for without reading whole (secondary source) law journal articles. For Liv, pre-writing was "all about finding relevant cases and answers," adding that case law is not important in civil law countries.

The SCQ showed that she used CALP skills to (a) paraphrase information by putting source text into her own words, and (b) analyze information by reflecting and breaking down source text into its parts. The interview further revealed that rhetorical "reading to write" strategies were also helpful to Liv at this stage as she "read others for structure" and re-worked her headings and sub-headings.

Drafting, "Writing to Learn" (SCQ2)

In her interview, Liv said she found six drafting strategies most helpful (out of twenty-three used). She said she focused on her plan and then followed it by (a)

summarizing and (b) paraphrasing information from persuasive legal sources, (c) focusing on the Discussion (Analysis) section to get started, (d) collaborating with her classmates and writing teacher (researcher) to discuss the Introduction and Discussion sections, (e) monitoring her text errors as she wrote, and (f) writing three or more drafts. The interview showed that she summarized and paraphrased material into paragraphs, focusing on the Discussion (Analysis) section but adding material to the Background section as she wrote "several" drafts of her major analytical paper, fall 2008.

Revising, "Writing to Communicate" (SCQ3.a)

Liv's most helpful revising strategies were somewhat evenly distributed across three categories: revising strategies, grammar strategies, and knowledge transforming strategies. The interview revealed that as she revised, she used summary, added material, and re-ordered "all her writing" to fit her plan and make it readable. She said that she tried to end each paragraph with a "small summary" or begin the next paragraph with a "small introduction." Liv also proofread her legal writing for proper word choice (diction) and consistent use of key terms. She used grammar strategies to avoid the passive voice and long, multi-clause sentences ("headnote" legal style). Liv said she used parallel structures in sentences containing multiple elements and familiar words instead of flowery language or ornate words. She provided structural clues and repeated key structure words to improve readability (for example, "that").

Knowledge Transforming (SCQ 3.a)

Liv found revising to be the most effective stage for transitioning her writing from *knowledge telling* (stating knowledge) to *knowledge transforming*, thereby deepening her level of understanding to include analysis, synthesis, and evaluation of

research. The interview found that Liv's most helpful strategies to deepen her thinking in English while revising were twofold: (a) using editing routines for clarity in thought and expression, and (b) using plain English writing strategies for accuracy, brevity, and clarity. Both the rhetorical and linguistic strategy groups helped her to deepen her thinking in English the most while revising her major analytical paper, 2008.

Her most helpful linguistic transforming strategies included the following: (a) using lexical repetition by repeating key legal terms and phrases, (b) using source texts or quotations to support her own text, and (c) summarizing to compose by selecting and reorganizing. Liv said that summarizing was perhaps the most important CALP skill but she used all CALP skills equally when writing this paper. Liv emphasized that she also used lexical repetition "through all the stages." Further, The SCQ for all stages shows that Liv never used a language other than English to write her major analytical paper, fall 2008.

Developing as a Legal Writer across Stages

A review of the SCQ (stage 1) during Liv's interview showed that preparation for writing a research paper in U.S. law school context is similar to Ukraine, but the concept of cases in her civil law home country is different. She clarified in her interview that she wrote papers for law school (unlike the other participants in this study), but the Introduction and Conclusion sections were different because student writers were not required to show original thinking in her home country.

Liv's responses to the open-ended questions in the SCQ (stage 2) showed that the strategies she used for drafting helped her develop competency as a legal writer. She said, "The strategies helped me to organize my thinking in order to start writing...[and] to put

my research in logical and clear structure" (question 5). Her SCQ (stage 2) open-ended response further described how drafting a research paper in U.S. law school context is different from drafting a research paper in Ukraine: "The major difficulty is the language. My writing skills in native language were based on 'intuition'. Writing in English involves much more thinking."

Liv's responses to the open-ended questions in the SCQ (stage 3.a) and the interview elaborated on how she dealt with the language when writing research. A number of grammar strategies were "most helpful" for her to write effectively. She said, "I made several revisions and learned that it is better to revise separately for grammar, punctuation, word choice and content" (question 11). In the interview, she said:

I think self-revising improved a lot. Before I was not able to read critically... my own writing....And now with checklists, I started revising separately for grammar, separately for word choice, separately for structure in general...I was not able to concentrate on everything [at one time]....When you revise several times by concentrating only on one thing, it's much easier and better: read for a purpose.

The SCQ (stage 3) further showed that "English is not my native language, therefore revising takes much more time and work. Also I had to learn how to make [my] paper reader oriented, which in my previous experience was not a requirement" (question 12). In sum, the inclusion of original thinking and a reader orientation made writing a research paper in U.S. law school context different from writing a research paper in Liv's undergraduate law school.

Explicit Strategies Instruction (SCQ 3.b)

Both the SCQ (3.b) and the interview revealed that for Liv, direct (explicit)

writing strategies instruction was important at all stages to develop an efficient writing process. She said in the interview that formal instruction helped her to organize her thinking, make a plan for herself, make deadlines, and "break the process into parts": "At the beginning I was overwhelmed with the broadness of the material and when I broke it into parts," it was easier. Liv also indicated on the SCQ that direct (explicit) writing strategies instruction was important to her at all levels (that is, conceptual, rhetorical, and linguistic) to develop an effective writing product. Additional writing tools or support Liv identified as most helpful on the SCQ were the following: (a) making a "table of contents" with "a draft deadline for each stage" of writing, and (b) using the writing class handouts and checklists for each stage of writing.

Writing Feedback (SCQ 3.b)

Liv said in the interview that she received no feedback from anyone other than the writing teacher (researcher) to complete her major research paper for fall, 2008. Her law professor was not available. She found the writing teacher interactive and corrective feedback "very important."

Proficiency Defining Abilities (SCQ 3.b)

Probes during the interview revealed more about how Liv had been building proficiency over time during the semester. She said that all her courses fall, 2008 helped her in her writing for U.S. law school, but the structure for papers was different (for example, instrumental versus scholarly legal writing). She said also that she followed the same structure of papers she had read from (a) the writing class, and (b) other law school courses. The writing class checklists she said also helped her with structure, and she "started writing more precisely..., avoided general sentences..., and stated her purpose

and main idea at the beginning."

When questioned about the few items on the Checklist of Defining Abilities for legal expository writing she reported she could not do, Liv explained that because English is not her native language, it is difficult to recognize different meanings for words and express subtleties and nuances (shades of meaning) in legal writing. From Liv's point of view, vocabulary is an issue for non-native English speakers, and "using precise words can be difficult." Liv does not think she can write with proficiency equal to that of a law school educated native English speaker (for example, writing clearly, explicitly, informatively, **and** persuasively in one document) "all at the same time." Liv emphasized that she can edit for special legal purposes, however.

Summary, Case 4

For each stage of the scholarly L2 legal writing process, the interview found which writing strategies and CALP skills were most useful to Liv and why. Strategies analysis across stages showed that Liv's most helpful strategies for writing in U.S. law school graduate context were (a) reading for a purpose and (b) revising with a purpose in mind (that is, "revise separately for grammar, punctuation, word choice and content"). Summarizing was considered the most important CALP skill for Liv.

Triangulation, Case 4

Comparison of her responses to the SQAT/TQAT instruments reveal that Liv benefited from speaking about the "problem" of structuring her paper perhaps more than she benefited from using the self-assessment measures to organize her research and writing. Working with legal cases was new to her, and writing Introduction and Conclusion sections was also different, she said, because these sections require original

thinking. Because of the difficulty of having one set of generic self-assessment measures for more than one kind of scholarly article or paper, discussion between student and teacher in this case proved invaluable for both. Working with this student participant was a process of "constant negotiation" from the writing teacher-researcher's point of view. Liv was able to meet her professor's needs for travel and submitting grades early. She never did get feedback from her law professor.

Validating Member Check, Case 4

Dear Donna: All the information in your analysis is very accurate. I found your assistance and my participation in the project very helpful. With your help I was able to develop an effective individual strategy for writing legal research paper. Thank you,..(Liv, personal communication, December 16, 2009).

Dear Donna: Everything seems very precise and I would not add/delete anything. (Liv, personal communication, December 23, 2009).

Main Themes/Unexpected Results, Case 4

Salient themes resulting from Liv's qualitative case study include the observation that even experienced L2 legal writers need to develop an effective individual strategy for writing research papers at the graduate level. Other main themes center around: (a) self-regulation which can mean "self-revising" with a purpose in mind; (b) cultural contrast in scholarly legal writing which can include original thinking and reader orientation; and (b) metacognition which can include planning at each stage, rhetorical strategies, and monitoring—all ways to manage the writing process.

Results Case 5- Anyo

Areas of Concern before Writing (SCQ 1)

The SCQ (stage 1) showed that Anyo's areas of concern before writing his major research paper, fall 2008, had to do with both language and composition skills (question 5) and writing knowledge (question 6). Anyo checked almost each item in both these two categories as "very important." The interview revealed that his main issue was being a novice. Anyo was unfamiliar with concepts of genre, academic English, objective stance, and (expository) legal writing style. Before taking the scholarly legal writing course, he self-diagnosed "problems" with (a) long sentences, and (b) lack of control of punctuation.

Pre-writing, "Researching to Learn" (SCQ1)

Out of seventeen possible "reading to write" (conceptual, rhetorical, and linguistic) strategies on the SCQ, Anyo found six most helpful to prepare for his major analytical research paper, fall 2008—more than any other participant (Table 20). The interview showed that the rhetorical strategies helped him the most because his "problem" was organization. He said that he needed to know which section of his paper to write first and why because he was unsure of what he was doing. Anyo said he noted aspects of organizational structure (a) for reading comprehension and (b) for reuse in his writing. Four linguistic strategies affecting his comprehension and ability to paraphrase in English were also most helpful. Anyo noted key legal terms for reuse in his writing, as well as key English phrases for reading comprehension, and he paraphrased in English for both reading comprehension and language reuse in his writing.

The interview showed five (type 1b) pre-writing strategies Anyo found most

helpful for reading, note-taking, and thinking. He (a) used texts or quotes from experts to stimulate thoughts and ideas; (b) exchanged ideas with others, one peer in particular, about his research project; (c) read others for modeling of style and organization; (d) made a preliminary outline; and (e) found a quiet place where he could concentrate on his legal writing. As for the two CALP skills that helped most for writing his first draft, Anyo said he (a) summarized information complexly by selecting and organizing source text, and (b) synthesized information by combining and connecting source text.

Drafting, "Writing to Learn" (SCQ2)

The interview showed that of twenty-seven possible SCQ strategies for drafting, Anyo found twelve "most useful" (more than any other participant). When probed in the interview, he emphasized that they were "all very important" but he could order "the most helpful." First, he said he paraphrased from legal sources to begin writing—a knowledge-telling strategy. Then he re-read legal texts that served as rhetorical models. Third, he summarized information from persuasive legal sources. Then he reordered information from legal source texts to use in his draft. Lastly, he said he conferenced with his content law professor, his writing teacher (researcher), and his peers to refine and clarify his ideas. He was thus able to gain input into "how to write and organize information" before changing the organization of his draft after a class presentation.

The SCQ found that Anyo used all the CALP skills for drafting, and in the interview he singled out paraphrase as "very helpful" for putting source information into his own words. Anyo stressed that he was always going back to edit, correct errors, and get new ideas for developing his research topic. He said was able "to develop ideas to continue" writing by re-reading his own text, "going back and forth" because he said he

was writing as if he were in the "final stage....Time was against me."

Anyo used a language other than English in this drafting stage for writing his major analytical paper. He said, "I read articles and books written in French, then translated the materials and ideas into English which I used in discussion" (the Discussion section of his paper).

On the SCQ (stage 2), his DK response indicated he did not know if he used a language other than English for revising. The interview further showed that Anyo was always concerned about citations: "I was very afraid."

Revising, "Writing to Communicate" (SCQ3.a)

The interview found Anyo's eight "most helpful" strategies Anyo used for revising, six for editing, seven for grammar, and two for writing to communicate to the law school educated reader. Anyo knew his research topic well, and he used linguistic and grammar revisions to decide what should be changed, deleted, or retained at this (revising) stage. He also asked himself (a) if he repeated key words and phrases for cohesion and emphasis; (b) if his purpose and message were clear; and (c) if he used headings, subheadings, and logical connectors effectively. Anyo said he also found the strategies to solicit feedback "most helpful" for revising. He got feedback from his writing instructor (researcher) to assess how effectively he communicated his message and to build or re-construct his analysis, and he got expert legal opinion of his analysis from his content law professor.

The only two editing strategies Anyo did not find most helpful at this last stage were (a) proofreading at least once for form (for example, paragraph structure), and (b) proofreading for appearance (for example, spacing and indentation). Otherwise, Anyo

found all the editing strategies "most helpful" for revising (stage 3).

Anyo's long sentences were "problematic" for him, so he found some grammar strategies more helpful than others. His "most helpful" grammar strategies included checking to see whether he used short and medium-length sentences, trying to avoid nominalizations (the practice of changing short verbs to longer nouns), and keeping subjects and verbs, and verbs and objects, undivided—without interrupting phrases. He also preferred familiar words instead of flowery language or ornate words, consistent wording and phrasing without changing words for variety, and consistent parallel word signals such as "first" and "second." Using accurate and adequate punctuation as "road signs" in his legal writing "helped a lot!"

The "most helpful" CALP skills Anyo identified at this (revising) stage continued to be paraphrasing information by putting source material (text) into his own words, and synthesizing information by combining and connecting source text. The SCQ showed that for effectively revising his major paper, Anyo wrote primarily to (a) state knowledge by listing, repeating, or paraphrasing source text at this stage, and to (b) critique, persuade, or interpret evidence selectively and appropriately. Although the SCQ showed he operated with two other (learner-centered) levels of composing, the interview showed that Anyo did not find them "most helpful" for communicating to his law school educated reader.

Knowledge Transforming (SCQ3.a)

On the SCQ, Anyo identified revising as the most effective stage for transitioning his writing from *knowledge-telling* (stating knowledge) to *knowledge-transforming* (deepening his level of understanding to include analysis, synthesis, and evaluation of

research). Among the knowledge-transforming strategies he used to deepen his thinking in English while revising, Anyo found two "most helpful": (a) using analysis to generate original content, and (b) using plain English writing strategies for accuracy, brevity, and clarity (legal writing style). The particular linguistic transforming strategies he found most helpful to transform text information while revising, giving him authorship of his major analytical paper, were the following four strategies: (a) using source texts or quotations to support his own text; (b) paraphrasing by stating knowledge, (c) summarizing by selecting and reorganizing, and (d) synthesizing by combining and connecting.

Developing as a Legal Writer across Stages

The SCQ (stage 1) revealed that writing memoranda and summary reports for *American Legal Institutions* was particularly useful for Anyo to develop his ability to write an analytical paper, fall 2008 (question 4). The SCQ (stage 1) and the interview showed that writing activities for law school classes also helped Anyo "a lot" to be aware and overcome his habit of using the first person personal pronoun for expository legal writing. It was "very easy" for him to write using "I" but not easy for him to write using the objective third person. He said this kind of correction eventually "became an instinct" for him when writing this paper.

The only SCQ (stage 1) area of concern Anyo did not check was knowing more about the assessment criteria for scholarly legal writing. His other concerns about writing knowledge and about language and legal composition were more pressing; this was Anyo's first experience writing a legal research paper in English or in any other language. His previous experience with expository legal writing was limited to writing exams for

law school. When asked how the strategies he used in the pre-writing stage were helping him develop competency as an L2 legal writer, Anyo said they helped him "to assemble the same facts from different sources into a body of organized work." When probed about what writing from legal sources means to Anyo, he said it means "writing out of your head with authoritative sources as support."

In the SCQ (stage 2), Anyo described how the strategies he used in the drafting stage were helping him develop competency as an L2 legal writer. He said they helped him know "how to arrange ideas chronologically and how to select what ideas are necessary for the paper and what to leave out." In other words, the strategies for drafting (stage 2) helped him develop conceptually and rhetorically more than linguistically. When responding to the SCQ (stage 3.a), Anyo reiterated that the strategies he used for revising were helping him "to reorganize my sentences and paragraphs."

Explicit Strategies Instruction (SCQ 3.b)

Anyo "wanted to sound clear" in his paper. He said in the interview that he really had problems with punctuation and parallel word signals which he "can control" now and that the exercises "we did... in class many times" helped him.

For Anyo, direct (explicit) strategies instruction was important at all stages for him to develop (a) an efficient scholarly writing process, and (b) an effective scholarly writing product. This was his "first time doing this academic work," and he did not know about "levels" or stages of scholarly legal writing (that is, "where to start and where to stop"). To develop an effective product, he said, it is "important to go through all the stages."

Now I'm confident. If I have something to write, I know exactly where to look for

the topic, how to narrow the topic, how to start the research, how to [engage in] pre-writing, writing, and editing; I'm confident in that.

Anyo said he knows exactly what he has to do "to get the final product" using the quality assessment tools (Research Question 3).

Writing Feedback (SCQ 3.b)

Direct (explicit) writing feedback was "very important" for him as an L2 legal writer in three ways: (a) the legal English writing teacher gave him interactive as well as corrective feedback; (b) peer non-native English speaking classmates gave him correction as well as explanation; and (c) his content law professor gave him interactive as well as substantive feedback. Anyo felt that peer native-English speaker (non-teacher) correction and explanation were only "somewhat important." Anyo "did not feel the need" to collaborate with a peer who was a native English speaker.

Additional kinds of writing tools or support Anyo identified to survive or thrive as a legitimate participant in his scholarly legal discourse community focused on other writers and their writing styles: that is, "reading other writers and learning from their style." When probed, Anyo said that "style" means (a) "what is needed in the Introduction; (b) how to come up with headings; and (c) what is needed in your Conclusion." Anyo was making reference to genre for scholarly legal writing (Research Question 3).

Proficiency Defining Abilities (SCQ 3.b)

The SCQ (3.b) showed that Anyo checked almost all items defining abilities up to "functionally native proficiency" in legal (expository) writing. The only SCQ (3.b) item he did not check was the "advanced professional proficiency" ability to "express

subtleties and nuances (shades of meaning) in legal writing". He said he did not understand this item and that he has "to refer to a dictionary when using some words in a sentence" to ensure he expresses his intended meaning to his audience. He said he does this "a lot" and, after taking the scholarly writing course, he is confident in his ability to articulate his meaning. Now he is more "conscious" of how to express his meaning since "doing" the writing course, and he can see if his "use of certain words conveys the meaning" he wants "to send out."

Generally I've improved in grammar....makes a big difference. Increased knowledge makes a difference....You must use the right language to express your point of view to another legal thinker. Otherwise, you could express another meaning.

Summary, Case 5

For each stage of the scholarly L2 legal writing process, the interview found Anyo to have more "most helpful" writing strategies and CALP skills than any other participant at almost every stage. For pre-writing, the interview found fourteen strategies most helpful to prepare for his major analytical research paper, fall 2008. For drafting, Anyo's interview found thirteen "most useful." For revising, the interview showed twenty-nine "most helpful" strategies. Strategies analysis across stages showed that Anyo's most helpful CALP skill overall was paraphrase, although he said all were important for him at each stage. This student participant used strategies as a roadmap for scholarly writing.

Triangulation, Case 5

Comparison of the responses to the SQAT/TQAT instruments reveal that Anyo's checked items on the SQAT were more comprehensive than the writing teacher-researcher's

checked items for pre-writing and revising, but the same for drafting. This match is important because additional TQAT comments that accompanied Anyo's last draft showed that he may have succeeded under severe time constraints by heeding the writing teacher's advice below: (TQAT quote 12/26/08)

Anyo, My advice is to finish the revisions you wanted to make in drafting (stage 2) using the SQAT I gave you, then revise again using comments I gave you on this draft (stage 3.a).

In this culture, an abstract is a summary containing the thesis which needs to be made clear in the Introduction also. Write the abstract at the end--not at the beginning of a paper. This may help you with structure--outlined in the stage 2 SQAT doc. I gave you. Email me if I have not been clear or if you have a question.

All the best, Donna.

Surprisingly, a general summary or "abstract" substituted for an introduction in Anyo's final draft. The SQAT/TQAT tools for stage 2 helped the student writer revise for structure (that is, the scholarly legal writing genre), and the SQAT/TQAT tools for stage 3 helped him make revisions related to purpose and content that included footnotes functioning properly. Time-consuming corrections having to do with "mechanics" were less important for both student and writing teacher in this case although Anyo clearly stated in his interview that he constantly monitored his writing for errors as if he were writing his final draft.

Validating Member Check, Case 5

Hi Donna, Your analysis are [sic] accurate. You have correctly stated the stages

and experiences during my writing process. From being a novice to how I learned and developed the writing strategies. You stated the problems encountered during the writing process, what I found interesting to develop my writing skills, what I did to produce a final academic research paper and the reaction of my law professor. I think this is a perfect analysis from all the comments in the questionnaires and the interviews we did during and after the course. I will gladly welcome any further feedback you request. Best,... (Anyo, personal communication, December 17, 2009).

Main Themes/Unexpected Results, Case 5

Anyo's case centers around the following themes: (a) control and self-regulation allow for "writing out of your head with authoritative sources as support"; (b) critically re-reading one's own text helps "to develop ideas to continue" writing; (c) writing with constant monitoring is useful when pressured by time constraints; (d) going through all of the stages develops an effective legal writing product; (e) conditional knowledge of strategies is related to developing an efficient writing process; (f) strategies instruction develops confidence and ACB (expository) legal writing style; and (f) increased knowledge [and use] of grammar affects the L2 writer's expression of meaning. Note: when the student writer used the quality assessment tool for stage 2 and implemented suggested changes, the writing teacher did not have to edit.

Results Case 6- Sam

Areas of Concern before Writing (SCQ 1)

The SCQ (stage 1) showed that Sam's areas of concern before writing his major research paper, fall 2008, had to do with both language and composition skills (question 5) and with writing knowledge (question 6). From a skills standpoint, Sam was particularly concerned with meaning (content analysis), legal style (for accuracy, brevity, and conciseness), social-cultural appropriateness for the U.S. law school educated reader, references and citations to scholarly legal works, and stages in legal writing (for example, writing to learn before writing to communicate). From a knowledge standpoint, Sam was especially concerned with (a) knowing more about American law school conventions, (b) knowing more about research writing as a process for effective legal writing, and (c) knowing more about the assessment criteria for scholarly legal writing.

Pre-writing, "Researching to Learn" (SCQ1)

Out of seventeen possible "reading to write" (conceptual, rhetorical, and linguistic) strategies on the SCQ, Sam found two most helpful to prepare for his major analytical research paper, fall 2008. His most helpful conceptual strategy was reading for a purpose. The interview showed that he "was looking for the argument" he wanted to use in his "paper" by reading, making "notes on his research documents on the computer to save time," and "marking the parts of the articles" he wanted to use. He "did not take more than one paragraph" from each document which included research articles, reports and some research papers—no books, he said. Sam made (tentative) headings and sub-headings from his notes, summarizing what he wanted to write "subject to changes."

Sam's most helpful linguistic strategy was paraphrasing in English for reading comprehension. He used no Arabic at all, he said, because it would have been too time consuming to take notes and then translate.

Sam's most helpful pre-writing strategies for combining reading, note-taking, and thinking to discover what was important or true for him about his research topic for his paper was brainstorming and exchanging ideas with friends about his research project. Whether peers agreed or disagreed with him, Sam found their feedback very helpful. His second most helpful (Type 1b) strategy was starting to write immediately, without a plan:

You need to do that because sometimes you think of the paper not only when you are on the table and writing...[but when] you are on the bus, [in] the car, walking...and you can go back home and write it....Sometimes you can write about your paper and you don't cite any authority.

He also paraphrased information by putting source material (text) into his own words. Even though he summarized and analyzed information at this stage, paraphrase was his most helpful CALP skill to prepare to write the first draft of his major analytical paper, fall 2008.

Sam stressed at the outset of his interview that he had time to just "read and write," that he had no time for revisions. He also said that he had never written "a paper" before and the experience was new for him. To go through the process was difficult, he said, because he had to do this research along with other readings for various law courses. However, Sam knew his topic well, and he went on to describe how the process was recursive for him. He said he "can go from beginning" (Introduction) "to end" (Conclusion) and then "to the middle" (Discussion/Analysis): "When you are writing, you

know new things and you can go and combine it in your paper [in the different sections]." Recursiveness for Sam, therefore, seemed to have more to do with genre and conceptual development than with stages in writing.

Drafting, "Writing to Learn" (SCQ2)

Sam did not isolate any specific "most helpful" strategies for drafting his paper: "To have a draft is the most important thing. You can come up with the rest later." Sam thought he applied most of the strategies for this stage, but he found the Student's Quality Assessment Tool (SQAT) and the feedback he received from the Teacher's Quality Assessment Tool (TQAT) most helpful when drafting. Sam said he "likes feedback best" because sometimes he knew he made a point that "was not illustrated or expanded."

In the interview, he dismissed the issue of organization at the drafting stage, although he acknowledged its importance for his Introduction section. He focused more on the content; "you can just go to each point and discuss it." He said it is important to introduce each point before discussing it, and comment or conclude on each point even though he did not always do this when drafting. He said he "made some points but didn't go over them in the Discussion [section] or [he] didn't expand on them." He assumed that his law professor would do that for him.

Revising, "Writing to Communicate" (SCQ3.a)

In the interview, Sam focused on one "most helpful" strategy for the revising stage: that is, he read critically and reflected on his own written drafts. Sam determined at this stage that he needed more expansion of legal content because the paper consisted of only two parts. He said he was aware that he used only headings and sub-headings and that maybe his paper was not developed beyond this. He acknowledged he could do more

"to make the paper flow in a better way." He said that writing for him was not just about ideas but about developing conceptually with cohesion and coherence. Sam also considered "the order" of his writing in the revising stage. Further, he "mentioned the point" his law professor wanted to see in his paper and found the feedback he had received helpful for writing effectively.

Sam did not think he had "serious problems" with punctuation, capitalization, spelling, *et cetera*, but he wanted to know more about logical connectors like "however." Because he did not see himself as having serious problems with editing, he did not find one revising strategy in this category more helpful than another.

Sam said the grammar strategies were useful to "make the writing clearer, plainer, and more persuasive." He said he "broke up" some sentences in the editing process and explained how he used the various methods he had been taught in the writing course. He felt he was strategic in his use of grammar at the revising stages and that he varied the length of his sentences to be persuasive. He found all the CALP skills useful for revising and communicating to his law school educated reader, especially paraphrase and the two kinds of summary: (a) reducing source text, and (b) selecting and reorganizing source text.

Knowledge Transforming (SCQ3.a)

The SCQ (3.a) showed that revising was the most effective stage for transitioning Sam's writing from *knowledge telling* (stating knowledge) to *knowledge transforming* (deepening his level of understanding to include analysis, synthesis, and evaluation of research). Using plain English writing strategies for accuracy, brevity, and clarity (ABC legal writing style) helped him the most to deepen his thinking in English while revising. The SCQ (3.a) also showed that conceptual transforming for refining his working thesis

and paraphrasing helped him the most to transform text information while revising, giving Sam authorship of his major analytical paper, fall 2008.

Developing as a Legal Writer across Stages

The SCQ (stage 1) showed that writing memoranda and summary reports for *American Legal Institutions* helped Sam develop his ability to write an analytical paper, fall 2008 (question 4). His SCQ (stage 1) areas of concern in language and legal composition (question 5) were the following: meaning (content analysis), legal style (for accuracy, brevity, and conciseness), social-cultural appropriateness, references and citations to scholarly works, and stages of legal writing (for example, writing to learn before writing to communicate to the U.S. law school educated reader). His SCQ (stage 1) areas of concern in writing knowledge (question 6) were: (a) knowing more about American law school conventions, (b) knowing more about research writing as a process for effective legal writing, and (c) knowing more about the assessment criteria for scholarly legal writing. In terms of the strategies he used at the pre-writing (stage 1) that helped him develop competency as an L2 legal writer, Sam said:

My writing process is slow but once I have established the thesis statement and the problem I am tackling, I started writing. The presentation of my topic [in class] helped me identify key areas that empower the message I communicate. I did research for the paper from the beginning of the semester, but writing started a month ago [December 2, 2008].

The SCQ (stage 2) and the interview showed that the strategies Sam used for the process of drafting helped him develop competency as an L2 legal writer (question 5): "These [drafting] strategies will help me refine my thoughts and look at the writing process from

another angle. I have encountered problems with the logic and organization in the paper." When asked about how drafting a research papers in U.S. law school context is similar to or different from drafting a research paper in his home country (SCQ stage 2, question 6), Sam said, "I think there is consideration [in the U.S.] given to authority and citations. Sometimes it may limit [versus expand] your thinking if you have experience in the field of study."

The SCQ (stage 3) and the interview also showed that the strategies Sam used for revising helped him develop competency as an L2 legal writer (question 11):

The strategies for citations, limiting the subject, developing the structure of the paper all helped me improve the paper. However, there is still an opportunity to develop these skills. There is no wrong or right process in writing.

As an Arabic native speaker, Sam said that he was expected to be both descriptive and loquacious: "Sometimes one paragraph could be one sentence or two sentences....Writing in Arabic is different from writing in English." Further, Sam said he could not compare writing in legal English with writing in legal Arabic because he has no legal writing experience in Arabic. In Sam's law school, he said, students learn only through lectures, and in class exams "you would have...three or four essay questions to complete; you write whatever comes in your mind.... [T]his cannot be considered as an academic writing exercise to be compared to writing a research paper" (Sam, personal communication, December 16, 2009). Genre in legal writing, however, does share some "common things" according to Sam such as "introduction, summary of the abstract, and you have your discussion, headings, and subheadings...[but] it's different regarding the citations—how you give authority and maybe how to be selective about your subject...."

Explicit Strategies Instruction (SCQ 3.b)

For Sam, direct (explicit) strategies instruction was important for him at both the early (pre-writing—drafting) and the later (drafting—revising) stages to develop an efficient writing process. To develop an effective writing product, direct writing strategies instruction was important at all levels (conceptual, rhetorical, and linguistic). As an L2 legal writer, the SCQ (3.b) showed that (a) legal English writing teacher interactive and corrective feedback were important; (b) peer non-native English speaker (class-mate) correction and explanation were important; and (c) content law professor interactive and substantive feedback were important. The interview showed "drafting and revising...helpful as far as instruction is concerned because of feedback." Sam said, "It was a very good learning experience. I learned a lot. Hopefully I can apply the knowledge."

Writing Feedback (SCQ 3.b)

Sam said in the interview that the writing "intervention was different from one process [stage] to another." For pre-writing, he said the writing teacher (researcher) "just gave instructions how to do it." For drafting and revising, he said "it was very helpful" to receive feedback [during the process] from someone other than the law professor, indicating that Teachers' Quality Assessment Tools (TQAT) for those stages were "important" and "good." Feedback from his peers was important to Sam as well, he said. The quality assessment tools in the course helped him in the "overall evaluation...; I learned how I can shift from pre-writing to drafting to revising." The key point he would want to emphasize with students is "have a draft as soon as possible while researching." He said he needs to work on planning more time for revising.

Proficiency Defining Abilities (SCQ 3.b)

Sam self-reported more strengths than weaknesses on the SCQ (3.b) checklist of defining abilities for professional proficiency in legal (expository) writing. The SCQ (3.b) indicates general professional proficiency (level 3) overall, but gaps in advanced professional proficiency (level 4). Sam did not check that he can (a) write on all topics normally pertinent to professional school needs, (b) consistently tailor his legal writing to suit his reader's needs, or (c) write with relatively few grammatical errors in English, including those in low-frequency complex structures (e.g., passive voice, gerunds/infinitives, conditional/future perfect/and compound tenses such as past perfect progressive, etc.). At the functionally native proficiency (level 5), Sam checked that he (a) can write and edit both formal and informal professional correspondence, (b) can write clearly, explicitly, informatively, **and** persuasively in one document, and (c) can employ a wide range of stylistic devices known as plain English writing strategies to enhance clarity and readability (for example, keeping the subject and verb undivided and focused on your point; using precise transitions to convey exact connections).

Summary, Case 6

For only two stages of the scholarly L2 legal writing process did Sam's interview show "most useful" writing strategies and CALP skills for this paper: that is, the pre-writing and revising stages. His most helpful pre-writing strategies were (a) reading for a purpose (conceptual strategy) and (b) paraphrasing in English for reading comprehension (linguistic strategy). Further, exchanging ideas with others about his research project to get feedback and starting to write immediately, without a plan, were Sam's most helpful strategies. Paraphrasing information by putting source information (text) into his own

words was Sam's most helpful CALP skill (a) to comprehend before writing, and (b) to start the actual process of writing. For revising and deciding what should be changed, deleted, added or retained, the interview found Sam's most helpful strategy to be reading critically and reflecting on his own written drafts.

Triangulation, Case 6

Comparison of the responses to the SQAT/TQAT instruments reveal that Sam felt more comfortable using the stage 1 and stage 3 quality assessment tools than the stage 2 quality assessment tool that dealt with genre. Researcher notes revealed that the SQAT tool for stage 2 (drafting) needed further explanation for this student participant. Specifically, the writing teacher-researcher needed to explain to Sam how each of the four sections typical of a legal research paper work together for his particular paper, the approximate number of pages in each given his law professor's requirements for the research paper, and how and where to add critical comment in his draft (#1 in this student participant's file).

Validating Member Check, Case 6

Dear Donna, Many thanks to the supportive learning atmosphere atYour help was always impressive, and I highly appreciate the time and effort you put into supervising my writing throughout last year. You worked on weekends helping me meeting deadlines and devoted time from your family to help me and other students do well. Good luck on your academic research and I hope I have been a good student.

Attached is the document where I copied the [member check] summary that you

sent. I made some editings which are traced in the document. I further made a comment in another area. Here is my comment on your analysis copied from the document:

"This is a comprehensive diagnosis and analysis of the writing process of my first legal research paper at the law school. I think the way I wrote my four other papers was different and more time efficient. At your class and thanks to your assistance I learned an important skill which is the transition from the "write to learn" to the "write to communicate". I can remember that you told me more than one time how I should engage the reader in my cause and to make the message readable, understandable and clear to the extent that it would not be misinterpreted or its meanings confused.

In addition your feedback was very important in setting up the background of my paper to an audience who are not aware about the topic of my paper. I learned where I would need to define an idea or a term and elaborate on ideas where the reader would require more information or have questions. I used these skills in my other papers, but still there are still prospects for improvement. One more thing I want to note is the selection of sentences and the range between the long and short ones which I developed through my writings.

I can remember that I added a legal argument to my paper on the last day before the submission of the paper. Sometimes this happens, but I avoided that in my other papers. It appeared to me that I devoted much time to some parts of my

paper and less time for others. I think this is an important skill that I learned and developed, which is to make the research specific and narrow to the thesis statement and to know what kind of research is required to address the question or the problem the paper is addressing. The failure to do that will lead to some problems in the revision stage. I overcame this in my other papers and managed to score progress in this area. I managed to submit four papers in the Spring semester."

Thank you again for your help. I will let you know of my new adventures and on [sic] my future writings... (Sam, personal communication, December 16, 2009).

Sam's additional comment above revealed that the way he wrote his subsequent research papers was "different and more time efficient," suggesting that he was able to learn from and tailor his research writing process as time went on. Sam's attachment to his *Member Check* (personal communication above) also showed that he was able to correct both native speaker and non-native speaker errors and use plain English strategies for accurate written expression. In other words, Sam's *Member Check* gave him the opportunity to make corrections to the text and to self-edit.

Main Themes/Unexpected Results, Case 6

Salient interrelated themes emerging from Sam's case highlight the value of the following: metacognitive knowledge (Flavell 1979), genre knowledge, and process knowledge; self-regulation with stages in writing leading to demonstration of expertise in the final (reader-centered) presentation as well as increased proficiency (for example, the

ability to self-edit); feedback and strategies instruction that foster learning; and transfer of "process knowledge" to other L2 legal research papers.

Chapter Five Summary: Acculturated Student Participants

Gee, Tory, and Liv were acculturated, exit-level student participants who had completed the advanced English course for legal research writers the previous semester. Their overall qualitative results revealed how scholarly legal writing is both a learner-centered cognitive process (for pre-writing and drafting) and a sociocultural reader-centered process (for revising). Related to the scholarly legal writing process is strategic competence, with writing strategies and CALP skills impacting each stage of participants' academic legal writing. These were social and cognitive tools shown to impact learner confidence, motivation, and self-regulation in disciplinary academic writing at every stage. Individual results are summarized below.

Case 1- Gee

Qualitative findings reveal that Gee concentrated on the drafting stage of her writing process: the writer-centered stage. She did not move deeply into the reader-centered stage of revising even though she had the ability "to self-edit" with the "strategies to do it" which gave her confidence. Stage 2 drafting became problematic even though English was Gee's first academic language and she had been socialized as an American (J.D.) legal writer. Missing was content knowledge and knowledge of genre structure and genre constraints. Gee did not know how a proposal should be written. She had no models, and she was unsure of her law professor's expectations until after the paper had been written. Further, little had been written about her research topic. Time and

motivation emerged as key issues for Gee who saw scholarly legal writing as a social interactive process that necessarily included the law professor for whom the paper was written.

Strategies. The interview found which writing strategies were most useful to Gee and why. Conceptual and rhetorical pre-writing strategies were most helpful for researching her topic: that is, reading for a purpose, drawing conclusions relevant to her topic, and noting aspects of organizational structure for reuse in her writing. Two drafting strategies were most helpful for getting words and concepts down effectively on paper: (a) using her knowledge of audience and purpose to guide her drafts, and (b) rejecting irrelevant content in the readings while she wrote. Re-ordering her writing as she wrote and asking herself if she met the needs of her reader were most helpful for Gee to decide what should be changed, deleted, added, or retained while revising her major paper (proposal), fall 2008. In sum, Gee's most useful strategies helped her eliminate revising as a separate stage when writing her proposal.

Case 2- Tory

In contrast to Gee who lacked the necessary genre-related knowledge for expert performance in her written proposal, knowledge of CALP skills for constructing knowledge in the revising stage boosted Tory's confidence "as a person, [and] as a thinker." For her, confidence stemmed from self-regulation and knowledge of transformation in writing. In addition to literacy strategies and language skills as tools for learning and communicating, strategic competence for Tory included multiple drafts that allowed her to refine and define her ideas to arrive at new conclusions and deepen her legal knowledge.

Strategies. Strategies analysis across stages revealed a focus on the interrelation of "reading to write" conceptual strategies and CALP skills for pre-writing that, above all, contributed to a cognitive process that both developed this student participant's thinking and generated new ideas for her paper. This is the same process that, when applied to the writer's own writing (drafting, stage 2), combines literacy strategies and language skills for revising (stage 3) to construct new knowledge from multiple sources. Recursiveness in scholarly writing was thus disclosed and emphasized, as were the benefits of explicit strategies instruction for disciplinary (legal) writers who cross linguistic and cultural borders.

Case 3- Ferra

Ferra's qualitative results highlighted how sophisticated and appropriate use of writing strategies promotes success in academic disciplinary writing and how they relate to sociocultural knowledge of the writing process, sociolinguistic knowledge of academic language skills, and discourse knowledge of academic legal composition. Awareness of (socio-) cultural differences in the academic writing process and (socio-) linguistic differences in discourse skills such as synthesizing contributed to expert performance in her research paper.

Strategies analysis across stages revealed key strategies used in the pre-writing and revising stages. Language re-use was particularly helpful to Ferra as an L2 legal writer and English language learner who had working knowledge of citation for scholarly legal writing. Revising was a key stage for her because "only at this stage it is in fact possible for the reader to see completely the transformation of his or her thoughts, making them coherent and cohesive." A revising strategy that Ferra found particularly

effective was "to review the passage between the last paragraph of one section and the first paragraph of the following one." Thus, strategies analysis showed that Ferra had acquired discourse knowledge of inferencing (bridging, elaborating) in addition to discourse skills through explicit strategies instruction that included the following kinds of feedback during the writing process: (a) interactive and corrective feedback from the writing teacher-researcher; (b) correction and explanation from both peer native-English speakers and peer non-native English speakers (class-mates); and (c) interactive and substantive feedback from the content law professor. Her content law professor commented to the writing teacher-researcher that she was impressed with Ferra's ability to solicit feedback from her. Ferra's case disclosed how she had used the cognitive and social tools she needed to demonstrate both competence and professionalism as an L2 legal writer and thinker.

Summary: acculturated student participants. In addition to confidence, motivation, and self-regulation in disciplinary writing for summative assessment in law school, Ferra's case links strategic competence with professionalism and professional identity.

Chapter Five Summary: Non-acculturated Student Participants

Liv, Anyo, and Sam were non-acculturated, entrance-level student participants actively engaged in the advanced English course for legal research writers. As such, they were strategically making the "transition from EFL learners to ESL users" (Zhou, 2010, p. 75) at the graduate level by taking the non-credit academic legal writing course in their first semester. Their overall qualitative results further revealed how scholarly legal writing is both a learner-centered cognitive process (for pre-writing and drafting) and a

sociocultural reader-centered process (for revising) at different levels. Strategic competence for these participants focused more on knowledge and skills development, however, than on the confidence-boosting, self-regulating effect of informed strategies' use for efficient (Gee) or effective (Tory, Ferra) academic legal writing.

Case 4- Liv

Qualitative findings for Liv, as for Ferra, revealed that strategic competence for professional performance in scholarly writing is related to process and to culture. Speaking about problems in writing, such as structuring, was therefore important to Liv as an English language proficient academic legal writer. Text structure, a disciplinary, culture-specific feature of writing (like grammar and vocabulary), can cause problems for L2 academic writers. Second language awareness—which includes cultural awareness of contrasting rhetorical patterns and genres of writing—is therefore necessary for graduate-level academic writers because the American academic legal writing style differs significantly from writing styles of international students who come from contrasting academic traditions and cultures of scholarship. Whereas Ferra's case points to the contrasting academic conventions, standards, and systems for assessment that international student writers can face, Liv's case highlights basic differences in the presentation of the main point and choice of approach to research problems in a paper. "These differences do not signal lack of language competence but lack of focus, logic, and coherence in academic legal writing" (Marina Ageyeva, legal English personal communication, January 2005).

For Liv, self-regulation in academic legal writing was associated with purposeful academic literacy strategies such as reading and revising with a purpose in mind: for

example, revising separately for grammar and punctuation, word choice and content. Further, explicit instruction that included the opportunity for student-teacher interaction helped Liv "develop an effective individual strategy for writing [a] legal research paper."

Case 5- Anyo

Qualitative results for Anyo highlighted that stages in scholarly writing can be seen as levels for developing an effective work product. Stages in scholarly writing, then, can be seen by learners as levels of development that move the academic legal writer through stages of conceptual, rhetorical, and linguistic development with strategies and skills that anticipate transfer to like work products. Knowledge of process strategies and product assessment tools developed the scholarly L2 legal writer from both a cultural and a disciplinary view: that is, they provided focus, logic, and coherence in academic L2 legal writing as well as confidence and self-regulation.

Evidence from Anyo's SCQ (stage 2) showed that the strategies he used in the drafting stage helped him develop competency as an L2 legal writer. He said they helped him know "how to arrange ideas chronologically and how to select what ideas are necessary for the paper and what to leave out." In other words, the strategies for drafting (in stage 2) helped him develop conceptually and rhetorically. When responding to the SCQ (stage 3.a), Anyo reiterated that the strategies he used for revising were helping him "to reorganize my sentences and paragraphs." Anyo's interview disclosed twenty-nine most helpful revising strategies that included use of plain English linguistic strategies for accuracy, brevity, and clarity in academic legal writing style.

Case 6- Sam

Qualitative findings for Sam suggested that transitioning from the drafting

(writing to learn) stage to the revising (writing to communicate) stage requires knowledge, skills, and explicit instruction for students and scholars who may be culturally distanced from the U.S. and the American writing habit. Metacognitive awareness as it relates to process in academic, disciplinary, or scholarly writing may be the step, stage, or level that transforms conscious use of a strategy into a skill for the L2 legal writer who is a foreign-trained professional.

Sam's interview showed "most useful" writing strategies and CALP skills for only two stages of scholarly L2 legal writing: that is, for pre-writing and revising. He relied on the SQAT with writing teacher-researcher feedback for drafting and rhetorical structuring. His most helpful pre-writing strategies were (a) reading for a purpose (conceptual strategy) and (b) paraphrasing in English for reading comprehension (linguistic strategy). For revising and deciding what should be changed, deleted, added or retained, the interview found Sam's most helpful strategy was reading critically and reflecting on his own written drafts.

Summary: non-acculturated student participants. Strategic competence for these participants focused on (a) knowledge of writing strategies and (b) development of language skills. Through knowledge and use of culturally appropriate writing strategies and language skills, participants were able to transition successfully from their (EFL) learner-centered pre-writing and drafting stages to a more linguistically complex (ESL) reader-centered revising stage for effective communication in their first L2 legal research paper for a U.S. law school professor.

Summary Across the Six Cases

The following table summarizes main themes, kinds of knowledge, and unexpected findings from the six cases.

Table 23: Qualitative summary across six cases: Main themes, knowledge, unexpected findings

Main themes: Qualitative findings revealed that confidence, motivation, self-regulation, and professional identity were all associated with strategic competence for the socialized L2 legal scholarly writers. For the un-socialized student participants, qualitative findings emphasized sociocultural/sociolinguistic awareness and conditional knowledge (of appropriate strategies) for strategic competence and professional proficiency or higher in disciplinary academic writing.

Qualitative findings further disclosed the possibility for positive transfer, depending on knowledge and use, with the possibility for negative transfer (that is, of culturally inappropriate strategies such as language reuse with no citation) without sociocultural (disciplinary) knowledge of academic legal writing.

The *kinds of knowledge* developed through sophisticated and culturally appropriate use of writing strategies in disciplinary context, defining *conditional knowledge* for competence and expertise in scholarly legal writing, were revealed as: discourse knowledge, metacognitive knowledge, process knowledge, product (genre) knowledge, sociocultural knowledge, sociolinguistic knowledge, and second language awareness. All may be associated with metacognition for student participants at some level in their writing: that is, large scale organization, small scale organization, sentence level organization, and grammar as an element of style for accurate, clear and concise writing: "high

communicative precision" for academic legal purposes (Engberg, 2009, p. 223).

Unexpected findings include the time-motivation link for Gee; the relation between confidence and self-regulation/control in writing for Tory; the speaking-writing connection for Ferra (sociolinguistic) and for Liv (sociocultural); stages as levels of product development that transfer with strategies and skills for Anyo; and the use of quality assessment tools that eliminate the need for native-speaker or teacher editing for Sam.

Validity Check across Stages of Scholarly L2 Legal Writing

Peer debriefing (Oxford, forthcoming) of 15% of the data validated (a) the qualitative findings, (b) the research instruments, and (c) the research design of collecting data in stages that correspond to the writing process (that is pre-writing, drafting, and revising).

Zhou's (2009) validity check linked stages of writing with cognitive, metacognitive, and social affective learning strategies occurring together, in different combinations, for different student participants with different cultural and linguistic backgrounds. The main themes Zhou identified across stages of scholarly writing relate to the themes found in this dissertation research. They are reported below, in Table 24.

Table 24: Main themes validity check by Yalun Zhou

Main Themes identified across stages of scholarly writing were the following:

- selective attention with metacognitive strategies such as planning and setting goals for *pre-writing*;
- self-management, procedural knowledge, and non-native-English speaker (NNES) consciousness for *drafting*;
- evaluating, monitoring, and centering learning with quality assessment checklists to reach a deep understanding of the argument, claim, or thesis for both *drafting* and *revising*; and
- *self-editing* in the latter stage with selective attention to (linguistic) forms and (legal) meaning

The main themes identified in Table 24 (above) associate participants' use of (a) metacognitive strategies to develop their own thinking in L2 legal writing at each stage of the writing process, (b) quality assessment checklists to learn from the processes of drafting and revising in the latter stages of writing, and (c) self-editing in the final stage of writing that links linguistic forms with content meaning.

Metacognitive Strategies for Strategic Competence

With respect to the metacognitive strategies' theme, a conceptual link is made between developing thought and language use, one interpretation being that participants developed cognitively as they worked with L2 English in academic legal context. The link between developing thought and language use supports the theoretical framework of

the study that views L2 legal scholarly writing as developmental learning in two domains, language and law.

Centering Learning with Quality Assessment Checklists for Strategic Competence

With respect to centering learning with quality assessment checklists for drafting and revising, a conceptual link is made between the research instruments and learning from the processes of writing, thus validating the instruments as effective tools for: (a) self-assessment and self-regulation in scholarly legal writing, and (b) writing teacher feedback for revising and editing.

Self-Editing for Strategic Competence

With respect to self-editing in the final (revising) stage, selective attention to linguistic forms as they relate to meaning contrasts with surface-level editing of grammar and punctuation thought by some in the university setting as a quick fix for L2 issues in legal writing. A grammatically correct sentence does not necessarily communicate L2 (or L1) legal writers' intended meaning. In addition to editing for clarity, effective legal writers must "make an extra effort to edit for precision and conciseness" (Oates & Enquist, 2009, p. 19). Native-speaker editing of L2 text, therefore, may be a waste of time and money for L2 legal writers. Rather, social interaction—with the opportunity to speak with a "more competent other" about unclear expression of ideas in sentences and relation of ideas in text—may be a first step toward self-editing. Re-phrasing to clarify or communicate ideas from L2 writers' text in individual consultation, for example, is a productive form of editing and language learning. Social interaction provides teachable moments with learners' authentic text regarding sentence structure and word choice, the smaller issues in writing. After editing for clarity with a knowledgeable other, the L2 text

could be turned over to a native-speaker or peer reviewer for correction of surface errors, if that is still necessary. Anyo's case illustrates, however, that surface error correction may not be necessary for an L2 writer to show proficiency in language and law in a legal research paper submitted to a professor for summative assessment. "[E]ffective writing requires attention to both the process of working with text and the output which conveys the intentions and ideas of the writer" (Grabe & Kaplan, 1996, p. 313).

In sum, Zhou's validity check identified metacognitive strategies, self-assessment checklists, and self-editing consistent with Distinguished-level proficiency (Leaver & Shekhtman, 2002) and strategic competence. Her interpretation of data validates this study in two ways: first, with a description of how strategic competence consists of more than just compensation strategies (Ehrman, 2002); and second, with a description of how sophisticated choices of strategies combine with professional tools for self-assessment of writing in stages that may "characterize the SD (Superior-Distinguished) threshold": that is, where L2 legal writers "become linguistically an equal partner with native speakers" (Ehrman, 2002, p. 251).

The next chapter (6) discusses interrelations among strategies, skills, and quality assessment for each stage of the L2 legal scholarly writing process. The major synthesized research findings are presented for the mixed methods that describe how academic legal writing is a developmental and a socially interactive process for learners as they move from the writer-centered activity of drafting to the reader-centered activity of revising and constructing knowledge.

CHAPTER 6: DISCUSSION

"Thought development is determined by language, i.e., by the linguistic tools of thought and by the sociocultural experience" of the writer (Vygotsky, 1986, p. 94).

Overview of the Chapter

Chapter 6 discusses meta-level linkages that connect the quantitative findings in Chapter 4 and the qualitative findings in Chapter 5 from the first three research questions in this longitudinal mixed methods study. A macro-conceptual and theoretical understanding of the mixed methods findings is presented through tables, with an explanation beneath each table. Theory and practice for assessment and instruction are discussed, and the critical connection between disciplinary research and professional practice is made. The dissertation chapter ends with implications for future writing research at the graduate level with professional proficiency.

Overview of the Study's Findings

Research Questions Linked to Purpose

The purpose of the research questions was to explore strategic competence as a critical factor for learning, producing, and teaching scholarly (academic) legal writing at the level of professional (or higher) proficiency. This is important because scholarly legal writing mediates "scientific" knowledge and legal concepts for the writer so he or she may have conscious awareness of relations (based on Piaget in Kozulin, 1986).

Second language acquisition (and production) is an academic domain of learning and, in disciplinary (legal) context, language is also substantive subject matter for the

second language (L2) legal writer. In other words, language is both a tool for learning law and a tool for communicating ideas about law in scholarly (academic) writing. This study views scholarly L2 legal writing as developmental learning in two domains—language and law—and as socialized cultural practice.

Research Instruments Linked to Practice

To answer the research questions, four research instruments were developed for each stage of the study (that is, pre-writing, drafting, and revising). The Strategic Competence Questionnaire was domain-specific, the Interview Protocol was writer-specific, and the pair of Quality Assessment Tools was genre-specific. Figure 6 below summarizes the instruments used within the context of an academic legal writing intervention.

Figure 6: Research instruments developed for the study

1. QUAN Strategic Competence Questionnaire (SCQ)
2. QUAL Interview Protocol (IP)
3. QUAN Student's Quality Assessment Tool (SQAT)
4. QUAN Teacher's Quality Assessment Tool (TQAT)
Pre-writing < Drafting < Revising

These carefully constructed research instruments were found to be useful tools for (1) providing a roadmap of strategies for writing with the possibility for learning and teaching; (2) stimulating cross-cultural discussion with L2 writers about the nature and purpose of each stage in the scholarly writing process; (3) assessing expository writing at key intervals during the scholarly writing process.

What the Research Instruments Disclosed

The research tools showed interrelationships among the following: (a) writers' academic literacy strategies and academic language skills, (b) writers' and teacher's

quality ratings of learners' scholarly L2 writing (product), and (c) stages of writers' scholarly L2 legal writing (process). The interplay among writers' strategies, skills, quality assessment, and stages showed that strategic competence for scholarly L2 legal writers acted as a catalyst for increased writing proficiency.

What the Research Questions Addressed

The research questions addressed interrelating problems in L2 education and legal education: (a) the complexity and multidisciplinary nature of L2 legal scholarly writing, and (b) standards and assessment. As classroom-based research, the study also addressed the "dearth of extensive discussion of, and explicit guidelines for, the practices and processes of *teaching* L2 writing" (Hedgcock, 2005, p. 609) at higher ranges of proficiency: in domain-specific and genre-specific graduate context.

Brief Summary of Findings

Table 25 below briefly summarizes findings from each of the three interrelated research questions to show what the research instruments revealed.

Table 25: Overview of findings from three interrelated research questions

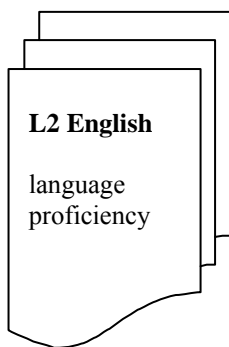
RQ 1	QUAN results	The SCQ results for each stage of writing (process) showed an interrelation between writing strategies and CALP skills: tools for writer-centered learning and reader-centered communicating that bridge sociocultural and sociolinguistic gaps in L2 writers' academic legal backgrounds.
RQ 2	QUAL results	The IP results for each stage of writing (process) emphasized the interrelation of academic literacy strategies and academic language skills, revealing such themes as self-regulation and professional identity for acculturated writers; increased knowledge and development of language skills for un-aculturated writers; and confidence for both.
RQ 3	QUAN results	The SQAT/TQAT results for each stage of writing showed an interrelation between the learners' L2 academic legal writing process and L2 academic legal English product mediated by teacher-student-peer social interaction.

From a micro-perspective, the research tools disclosed the dynamic, changing nature of strategies, skills, and goals for assessment in stages that influenced strategic competence:

(a) a component of communicative competence (Canale & Swain, 1980) impacting L2 research writing and development, and (b) a critical factor for achieving native-like L2 acquisition in writing.

From a macro-perspective, the research tools disclosed that cultural proficiency, disciplinary proficiency, and language proficiency overlapped for participants in the study (N=6): lawyers who come from a variety of linguistic, cultural, and educational backgrounds. These participants were still in the process of acquiring lexical and syntactic competence in disciplinary context (that is, legal English) during this longitudinal learner-centered study. The use of L2 English for academic legal writing purposes defines disciplinary proficiency (competence, literacy) for participants. Figure 7 below shows disciplinary proficiency distinct from language proficiency.

Figure 7: Kinds of overlapping proficiency for L2 legal writers: cultural, disciplinary, and language



Although language proficiency may be very visible for L2 academic writers and speakers, the study revealed that two other proficiencies interrelated for L2 legal writers: that is, cultural proficiency and disciplinary proficiency. They merged for academic legal proficiency. "[T]he L2 writer is writing from his or her own familiar culture and the L1 reader is reading from another context" (Hyland, 2003, p. 47). In this study, "another context" is another legal culture.

The research tools further disclosed that the following "critical" learner (internal and external) variables for achieving native-like L2 acquisition in writing interrelated with strategic competence: (a) reading to write strategies; (b) CALP skills; (c) knowledge of genre and cultural expectation; (d) formal instruction at the advanced-professional level (that is, sociolinguistic and sociocultural); time and motivation. Table 26 below shows the interrelating variables with a brief explanation beneath the table.

Table 26: Interrelating variables for achieving native-like L2 acquisition with strategic competence

<ul style="list-style-type: none"> • reading to write strategies • CALP skills • knowledge of genre and cultural expectation • formal (sociolinguistic, sociocultural) instruction • time and motivation

Academic literacy strategies (such as reading to write strategies) and academic language proficiency skills (such as summary, synthesis, and paraphrase) were found to interconnect with each other, as well as with demands of the legal research writing task, for participants. Their strategic shift from L2 writer-centered to L1 reader-centered scholarly legal writing was emphasized. See [Appendix F](#) for the process of scholarly writing by Fajans and Falk (2005).

Synthesis of Data Analyses

A synthesis of quantitative and qualitative data analyses, based on all the instruments for all the learners, follows for each research question. This discussion reconsiders the SCQ (stage 1) open-ended questions, providing the sociocultural setting to anchor the interpretations and ensure that they are meaningful (Oxford, forthcoming).

The discussion also reconsiders (SCQ 3.b) self-reports on proficiency and formal instruction with discrete items describing how learners achieve at professional to distinguished levels of writing proficiency (ILR level 3 to 4), the primary range of interest in this study. Expanding on Swales (1990) and Hyland (2003), the interactive social-cultural nature of writing and thinking, the role of language and text structure in disciplinary context, and the cognitive development of the L2 academic legal writer are recognized and explored.

What Research Question 1 Showed

Strategies and Skills Interrelate

Overall findings from the first research question showed that strategies and skills at each stage of writing interrelate; they are used together in different combinations at different stages for different purposes. Some strategies and skills used overlapped, and understanding deepened for the participants as they wrote. Individual findings showed that social-cultural (learner-external) variables such as academic legal culture and background knowledge likely influence internal variables such as frequency and use of writing strategies and CALP skills, as well as domain learning.

Strategies and CALP skills increased at the writer-focused drafting-learning stage for three participants in the study, and they continued to increase at the reader-focused revising-communicating stage for the other three participants. Figure 3 (Chapter 4) depicts the two blocks of writers. Sam, Ferra, and Tory appear to have given more attention to editing, grammar, and/or knowledge-transforming than Gee, Liv, or Anyo. At this point, there was no distinction between acculturated and un-acculturated participants.

Goals for Assessment Interrelate

Triangulating product quality assessment data for Research Question 3 informed participants' revising processes. For example, Tory's SQAT checklist was complete for this stage indicating a high level of attention to revising. Ferra and Sam's SQAT/TQAT checklists showed similar attention to revising although Sam's SQAT also showed that he was not comfortable accounting for the reader's background knowledge as an unacculturated writer.

Time, Motivation, and Stages Interrelate

Interview data for Research Question 2 further revealed that Gee, Liv, and Anyo were concerned with managing their time; they did not have enough time or motivation (in Gee's case) to attend to all aspects of revising in this paper. For Gee, the only J.D. acculturated student participant, time and motivation were linked. She relied on surface-level editing strategies to prepare her paper for final submission more than on deeper transforming strategies for constructing knowledge from her text.

Cognitive and Sociocultural Interrelate

Like background knowledge and sociocultural orientation, stages in scholarly writing influenced frequency of strategies and CALP skills used to some extent as participants moved through the scholarly writing process. The study revealed that stages in writing interrelate, like literacy strategies and language skills. Although this may not be surprising given the recursive nature of writing outlined in the Literature Review (Chapter 2), this interrelation suggests integration or merging of the cognitive and the sociocultural for some participants. This also may not be surprising given that all

participants underwent an academic writing intervention with explicit instruction and an experienced teacher. However, qualitative data analysis for the acculturated participants shows how the cognitive and the sociocultural integrate for disciplinary scholarly writing.

Knowledge and Stages Interrelate

Ferra's case, for example, shows that transforming disciplinary knowledge can begin in the drafting "writing to learn" stage; Gee's case shows that reader-awareness is also possible in the drafting "writing to learn" stage; and Tory's case shows that implementing a well-conceived strategic (stage 1) plan is as important as advanced writing techniques in the (stage 3) "writing to communicate stage" for academic success when communicating to a law school educated reader (that is, a law professor).

Shift from the Cognitive to the Sociocultural

Qualitative data analysis for participants shows that rather than integrating, a strategic shift may occur from the cognitive to the sociocultural when consciously choosing (a) to focus on analyzing the law during (stage 2) drafting, and (b) to reflect on the use of L2 English during (stage 3) revising. Such a conscious shift strategically lightens the cognitive load for the L2 legal research writer.

To miss a stage from the point of view of all participants was to miss a "level," "step" or opportunity for one or more of the following: (a) deciding what should be changed, deleted, added, or retained in the legal analysis; (b) polishing and checking for (sociocultural) writing conventions; (c) writing clearly and accurately in L2 English for (sociocultural) academic writing style; (d) deepening understanding by analyzing, synthesizing, or evaluating the research (the highest level in Bloom's taxonomy of learning); and (e) using linguistic transforming as a (knowledge-transforming) strategy

for constructing knowledge from the writer's own text, giving the L2 writer authorship and voice as a legal thinker.

Revising and L2 Writer Development Interrelate

In sum, findings from Research Question 1 highlighted the important (conscious) use of literacy strategies for legal writer development while drafting and of (conscious or unconscious) use of CALP skills for L2 writer communication while revising. Writing strategies seemed to associate more with writers' (internal) cognitive development, and CALP skills seemed to associate more with writers' (external) disciplinary and social-cultural development. This was mentioned in Chapter 4 as an important finding insofar as writing strategies helped law students learn, and CALP skills helped law students write from multiple L2 legal sources without plagiarizing.

Learning Language and Law Interrelate

In addition, the above-mentioned interrelations allow for the reverse possibility as participants were engaged in two academic domains of learning during research writing: language and law. Acculturated student participants were reflecting on their legal (a) research writing process while learning about their legal (b) research writing topic. Unacculturated student participants were learning about both their legal (a) research writing process and their legal (b) research writing topic concurrently. All were learning language implicitly from their L2 immersion experience.

In other words, participants were living the languaculture (Agar, 1994) of the professional school with an informal register but performing the language consciously in writing with a formal (academic) register. Academic legal writing was a conscious act for both the acculturated and non-acculturated student participants who were either L1 or L2

academic writers. All had to meet the cultural expectations for writing adopted by native English speaking professionals: lawyers trained with an instrumental or technical orientation to writing.

Meeting Sociocultural Expectations

Based on Hinds (1987), the American cultural expectation for legal writing is that it be writer-responsible (Oates & Enquist, 2009). This means that the student writer is primarily responsible for successful communication and reader comprehension. Being writer-responsible in North American academic culture means that the student writer is at fault if the highly educated native English speaker does not immediately comprehend at every level of text organization: that is, sentence, paragraph, and composition levels of writing. The research writing must be clear to reflect students' clear thinking and legal analysis, even if the topic is complex. This means also that grammatical errors must not interrupt reader flow or affect writer meaning. Grammar thus becomes an issue of academic writing "style" in American academic culture.

Therefore, all L1 and L2 academic legal writers are expected to work and re-work their writing for accuracy, brevity, clarity, directness, and explicitness to achieve a stated purpose. Professors (lawyers and judges) are known to value their time more than their students' or interns' time and will not labor to understand L1 or L2 writer meaning or logic in organization. Writers at the graduate-professional level are expected to be critical readers who place themselves in the position of the reader during the final stages of revising. This writer-centered to reader-centered switch requires cognitive dexterity as well as sociocultural awareness and understanding.

What Research Question 2 Showed

Overall, findings showed how post-intervention participants went about their legal research writing task and how during-intervention participants were learning to write in an U.S. academic legal culture. All participants were able to tell why they made certain choices by identifying their most useful academic legal writing strategies and elaborating why these strategies were helpful. Further, participants identified when they made the cognitive transition to *knowledge-transforming* from *knowledge-telling* (if at all) in their scholarly legal writing.

Quantitatively

Participants found Type 1a and Type 1b "reading to write" strategies most helpful for stage 1 pre-writing. These were literacy strategies associated more with writers' conceptual development than with writers' rhetorical or linguistic development when planning to write. Participants found Type 2a drafting strategies more helpful than Type 2b CALP skills when starting to write a scholarly legal research paper, however. Type 2a drafting strategies helped the writer get words and concepts down effectively on paper whereas Type 2b CALP skills helped the writer process academic legal text when drafting, highlighting the cognitive role of academic language skills for writing. Findings for stage 3 revising further revealed that deeper-level revising strategies, rather than surface-level editing strategies, were most helpful to participants.

Qualitatively

Qualitative data analysis deepened understanding of the research participants' strategic shift from writer-centeredness to reader-centeredness in scholarly writing and

when it occurred. The SCQ disclosed that, in addition to above-mentioned interrelations (of pre-writing, drafting, revising, knowledge transforming, and developing as a legal writer), strategies instruction and in-process interactive feedback during writing contributed to participants' cognitive and sociocultural development.

Triangulating SCQ-based interview data revealed that the ability to self-edit "with the strategies to do it" (Gee) was a proficiency-defining ability for "control" or self-regulation in scholarly legal writing—a common theme in research participants' interviews. The idea of deliberate, planful, goal-directed thinking and writing is deeply embedded in Piaget's "formal operations."

Metacognition

Related to the theme of control and self-regulation is metacognitive knowledge (Flavell, 1979) through which participants showed awareness of (a) themselves as L2 academic legal writers, (b) their individual academic writing process using L2 English, and (c) academic writing strategies and "techniques" skilled writers are known to use for clear and accurate communication in legal writing. With metacognitive and sociocultural knowledge of scholarly writing strategies, participants found they could self-manage their process and product quality. Metacognition for participants therefore included the conscious ability to monitor the process and regulate production quality, as well as self-knowledge (Hacker, 1998).

Metalinguage

This study further revealed that student participants had the "metalinguage" (Hacker, Dunklosky, & Graesser, 1998) to discuss their most helpful strategies: that is, their language revealed knowledge of themselves as L2 academic writers, their L2

academic legal task, and their L2 English writing strategies. These interrelating variables affected participants' L2 English performance in academic legal writing. For example, Ferra clearly articulated difficulties with L2 writer knowledge and L2 academic culture; Gee expressed frustration with L1 task (proposal) knowledge; and Sam demonstrated satisfaction with L2 strategies knowledge: "The [SCQ strategies] questionnaire opens eyes on different things" (personal communication, December 12, 2008). See Figure 8.

Figure 8: Interrelating variables influenced L2 writer performance (based on Flavell, 1979)

Metacognitive with Sociocultural Knowledge
<ul style="list-style-type: none"> • L2 academic writer • L2 academic legal task • L2 English writing strategies

Interrelating Variables

Through Research Question 2 the research problem was addressed. In addition to interrelating strategies, skills, and stages (Research Question 1), strategic competence included participants' knowledge of person, task, and strategies as interrelating variables that affected their L2 performance as writers, thinkers, and graduate students in a professional school international program. Strategic competence acted as a catalyst for participants' scholarly legal writing: that is, the SCQ-based interviews showed how participants confronted individual problems in knowledge, language, composition, and culture with variations of a problem-solving repertoire to show competence or expertise in a legal research paper that met the performance expectations of their L1 and L2 law school professors. See Figure 9 below.

Figure 9: Dynamic nature of strategic competence in scholarly L2 legal writing

RQ 1	Interrelating strategies, skills, and stages produced a (cognitive→sociocultural) shift.
RQ 2	Interrelating (metacognitive—sociocultural) knowledge of writer, task, and strategies affected L2 performance.

What Research Question 3 Showed

Quantitatively

Overall quantitative findings showed that student participants tended to overestimate the quality of their writing in the learner-centered pre-writing and drafting stages, before teacher feedback and writer development through social interaction and individual consultations. Because research writing for these participants was also a process of legal learner development, some chose to focus more on accuracy as it related to law and legal analysis than on actual use of L2 English to write the research in the initial stages (pre-writing and drafting). Less of a difference in quality self-assessment was revealed for revising, the reader-centered writing to communicate stage, however. Disciplinary research writing and language competence for all participants (N=6) included the ability to revise ideas and self-edit their scholarly legal writing.

Qualitatively

Individual findings were triangulated with law professors' summative evaluation for each case: a way of measuring proficiency or competency according to the standards of the disciplinary community. The non-acculturated student participants (N=3), all of whom were firmly situated in an academic legal writing intervention at the time, achieved as high, or higher than, the acculturated student participants (N=3). The acculturated participants had taken the academic legal writing course the previous semester and did not seek structured support or "scaffolding" from the writing teacher-researcher in the

semester of data collection except for Ferra, the least proficient L2 English participant.

She was the Italian doctoral student intent on developing proficiency whose taped interview disclosed that she still considered herself to be very much an L2 English learner. Also a highly motivated learner, Ferra took more than one (non-credit) disciplinary English course, enhancing her own language learning while preventing fossilization of L2 errors. See Table 27 below for law professors' summative evaluations.

Table 27: Law professors' summative evaluations

N=6	Student participants	Research paper grades
Acculturated	Gee Tory Ferra	B+ B+ A
Non-acculturated	Liv Anyo Sam	A- A- A-

Ferra's case highlights the value of L2 (socio)linguistic and (socio)cultural support through a disciplinary L2 academic writing intervention, in addition to motivation and content knowledge, as an important component of scholarly writing at the graduate-professional level. Figure 10 below summarizes the dynamic nature of the findings for all three research questions.

Figure 10: Dynamic nature of strategic competence in scholarly L2 legal writing

RQ 1	Interrelating strategies, skills, and stages produced a (cognitive→sociocultural) shift.
RQ 2	Interrelating (metacognitive with sociocultural) knowledge of writer, task, and strategies affected L2 writer performance.
RQ 3	Interrelating ability to revise and self-edit with social interaction affected L2 product quality.

What the Three Research Questions Showed Together

For the student participants in this study (N=6), strategic competence evolved into a traveling toolkit of academic literacy strategies, academic language skills, assessment goals, and levels of L2 academic English performance that build competence (proficiency, expertise). Together, these strategies, skills, goals, and levels acted as a catalyst for communicative competence in participants' legal research papers with the possibility for transfer. Participants reported they had the disciplinary (sociocultural) knowledge to make transfer possible to other legal research papers. Member checks (Chapter 5) validated this finding.

In addition, the revision stage was seen as a level of academic L2 English performance that acted as a catalyst for "high communicative precision" (Engberg, 2009, p. 223) and professional proficiency in scholarly writing. Revising for specific purposes was part of the strategic competence toolkit for scholarly legal writing that was described by some participants as a "roadmap" (of carefully defined academic literacy strategies, academic language skills, and levels for scholarly writing). The toolkit necessarily included quality assessment criteria for evaluating and discussing the disciplinary research product at key stages that included, but was not limited to, revising.

With their individualized toolkits for academic domain writing, both the acculturated and non-acculturated student participants were successful in the specialized academic communication in their field—whether or not they had acculturated into the broader LL.M. program or had submitted their paper with sufficient editing of grammar. Anyo's case fit both these categories, for example.

In sum, knowledge of the scholarly writing process and use of disciplinary literacy strategies, language skills, and assessment tools contributed to participants' scholarly writing at each stage. The scholarly L2 legal writing process included revising from various perspectives: cognitive, metacognitive, sociolinguistic, and sociocultural. In addition, use of the disciplinary quality assessment checklists provided structured contact, focused discussion, and systematic writing support for all research participants to successfully participate in their specialized academic communication. Building and measuring proficiency in scholarly writing were not seen as static concepts for either the student participants or the writing teacher-researcher. Strategic issues relating to (s) skills use and (b) knowledge development interrelated and occurred in stages of academic legal writing.

This study further showed how social-cultural appropriateness (for example, revising to construct knowledge and editing for specific purposes) is a hallmark of disciplinary writing and proficiency at professional levels and beyond. The research instruments revealed that knowledge of genre, register, and cultural expectation (Hyland, 2003) has to be received as declarative knowledge before it can be produced as procedural knowledge for international graduate students. This exploratory study indicates that strategic competence can bridge the two kinds of knowledge for unacculturated student legal writers, regardless of TOEFL scores that do not test academic literacy (Johnson, 2008; Redden, 2008) for admission to a university law school.

Conditional Knowledge

More than one kind of knowledge is necessary for L2 graduate student writers to meet their goals and challenges in this 21st century of globalization: that is, declarative,

conditional, and procedural. In their shift from language learners to language producers—a shift from the cognitive to the sociocultural—L2 (like L1) graduate student writers needed to understand the conditional or contextual dimensions for competent performance in academic legal research writing so they could use what they know more flexibly (Newell & Simon, 1972) and learn what they did not know more effectively.

Theoretical Understanding

In addition to presenting a macro-conceptual understanding of strategic competence at the professional level of writing (or higher), one aim of this chapter is to show a theoretical understanding of how strategic competence acts as a catalyst for L1 reader-centered writing with high communicative precision. Precise and accurate writing is a goal for effective communication in both scholarly and instrumental writing for all (L1 or L2) legal writers and a criteria for professional proficiency (and higher) in writing according to ILR descriptors. Theory development relates to theoretical validity in this study (Chapter 3, Oxford).

Competences

Just as graduate student writers need more than one kind of knowledge to meet their goals and challenges (that is, declarative, conditional, and procedural), they need more than one kind of skill and competence. Linguistic, sociolinguistic, and discourse competence, the first three components of communicative competence (Canale & Swain, 1980), have been seen to comprise "language competence" (Chapelle, Grabe, & Bern, 1996) for the scholarly L2 legal writers participating in this study. These are competences seen to converge at the ILR professional-superior-distinguished thresholds

for the various participants (SCQ 3.b). The fourth component of communicative competence is strategic competence. "[A]ll students need most of the components at any given time" (Leaver & Shekhtman, 2002, p. 10).

"Strategic Competence": Oral Proficiency

The term "strategic competence" has a particular meaning for Canale and Swain in their famous four-part definition of "communicative competence." For Canale and Swain (1980), strategic competence is the ability to use strategies, often to make up for missing knowledge while communicating orally (Oxford, personal communication, May 1, 2009).

"Strategic Competence": Writing Proficiency

To make up for missing knowledge while communicating as a legal writer (that is, as an L2 English academic legal writer to an L1 English academic legal reader), a working definition of the term had to be gleaned from the literature at the proposal stage of this study. The definition was presented under "Key Terms" (Chapter 1) and reads as follows:

STRATEGIC COMPETENCE: Generally, the way in which a writer, when faced with a communicative problem, improvises his or her way to a solution.

Specifically, knowing how to (a) recognize and meet discourse community expectations, (b) work around gaps in one's knowledge of the language, (c) learn more about the language in the disciplinary context (adapted from the NCLRC 2003/Grice), and (d) learn more about the interplay between the social and cognitive dimensions of writing (Manchón et al., 2007).

To explore this extended working definition, selected writing research topics were used

for this study to see how participants, advanced learners, might move from the general—parallel definition to Canale and Swain's—to the specific writing research-based definition. Learning and teaching English in legal context is never general. "Strategic competence," therefore, was comprised of SCQ academic literacy strategies and academic language skills for building competence and SQAT/TQAT goals for assessing competence (proficiency or expertise) at recursive stages of scholarly writing (pre-writing, drafting, and revising).

Not only did this study's findings emphasize the interrelation between building, self-assessing, and evaluating competence at each stage of writing to increase proficiency through knowledge and social interaction, but findings also underscored the role of metacognition for higher levels of proficiency: for speaking (Leaver & Shekhtman, 2002) and for writing, in this study.

Building Competence

Table 28 below shows how L2 use of dynamic SCQ skills and strategies build competence at the level of professional (or higher) proficiency at each stage of (recursive) scholarly writing. The word "dynamic" connotes overlap of strategies, skills, and stages as well as recursiveness of (cognitive, metacognitive, and social-affective) strategies and CALP skills for each stage.

Table 28: SCQ strategies and skills for building competence

Stage 1 Pre-writing strategies (for legal reading and researching) +CALP skills (for legal language processing: summary, paraphrase, and synthesis)
Stage 2 Drafting strategies (for getting words and concepts down on paper) +CALP skills (for academic/ legal language processing) +CALP skills (associated with levels of writing purpose)
Stage 3 Revising, editing, and plain English grammar strategies (related to legal style) +CALP skills (for academic/ legal language processing) +CALP skills (associated with levels of writing purpose) +Knowledge transforming strategies (for getting away from language of source text and to avoid plagiarizing)

Table 29 below shows how L2 use of the interactional SQAT/TQAT process not only assesses but also discusses orally to build competence at the level of professional (or higher) proficiency at each stage of (recursive) scholarly writing. With each research paper individual consultation, the writer learns and becomes more adept by gaining knowledge and enhancing competences (Table 29).

Table 29: SQAT/TQAT interactive process for building competence

Stage 1 Pre-writing (learner-centered) ■ planning competence, 17 items
Stage 2 Drafting (writer-centered) ■ genre competence, 17 items
Stage 3 Revising (reader-centered) ■ communication competence, 28 items

In essence, student self-assessment, teacher evaluation, focused and planned social interaction at each stage promote mastery (expertise) in scholarly legal writing through increased and informed opportunities for revising and self-editing. This is a (meta-) cognitive (social-) interactive view of writing, interesting and productive for L2 legal learners originating from contrasting academic cultures and traditions of legal education that may privilege speaking (e.g., Russia) and memorizing (e.g., Korea) over academic writing (e.g., U.S.) for summative evaluation. This view of writing contrasts with static assessment of academic writing as a one-dimensional form of editing by faculty (Woodward-Kron, 2007), graduate program administrators, and university student services.

Teaching and Achieving Professional Proficiency

Also important to consider is that a (meta-)cognitive (social-)interactive view for developing academic legal writers, by enhancing their existing competences, does not require disciplinary content knowledge on the part of a writing teacher or tutor. On the contrary, cross-disciplinary knowledge and cross-cultural training are assets. Graduate (L1 and L2) student writers can develop their writing, revising, and editing practices through increased knowledge, research-based writing strategies, advanced English skills, and refinement of competences necessary for functionally native proficiency (ILR level 5) in a legal research paper. Based on this study, Table 30 below illustrates what is needed for skilled L2 academic legal writers to make the switch from writer-centered to reader-centered scholarly legal writing.

Table 30: Interrelations for developing L2 academic legal writers

Interrelating kinds of writing knowledge	Interrelating kinds of literacy strategies	Interrelating kinds of language skills	Interrelating levels or purposes for composing (Grabe, 2001)	Interrelating social-interactive competences
<ul style="list-style-type: none"> • U.S. conventions • Writing from L2 legal sources • Linguistic system • Process • Genre (product) • Criteria for assessment • Conditional • Metacognitive 	<ul style="list-style-type: none"> • Reading to write • Drafting • Revising • Editing • Grammar • Knowledge transforming- conceptual, -rhetorical, -linguistic 	<ul style="list-style-type: none"> • Reading to learn • Writing to learn • Writing to communicate 	<ul style="list-style-type: none"> • Stating knowledge by listing, repeating, or paraphrasing source text • Understanding, remembering, summarizing simply, or extending notes to oneself • Learning, problem-solving, summarizing complexly, or synthesizing information • Critiquing, persuading, or interpreting evidence selectively and appropriately 	<ul style="list-style-type: none"> • Planning (stage 1) • Genre (stage 2) • Communication (stage 3)

As Table 30 shows, declarative knowledge of (a) U.S. writing conventions for legal citation, (b) an academic text on legal genre, or (c) stages for scholarly writing was not enough for student participants to produce at professional levels of proficiency. Conditional knowledge of situated performance (Alexander, 2006) was required. Table 30 shows the interrelating contextual dimensions in performance of the academic legal writing task that student participants needed to understand so they could use their existing competences more flexibly (Newell & Simon, 1972).

Developing Learners and Learning

Developing writing proficiency with conditional knowledge and disciplinary literacy strategies builds confidence, self-regulation, and professional identity so that academic legal writers can achieve their potential for academic domain learning, class participation, voice and scholarship in U.S. international programs and law schools.

Definition of Strategic Competence in Academic Legal Context

The end result of this discussion is a definition of strategic competence that is more than compensatory for L2 academic legal writers. For highly motivated graduate student writers working toward professional (and beyond) levels of proficiency, *strategic competence* centers on the ability to apply appropriate academic writing strategies for acquisition and use of academic legal English and for coping with the unknown in North American research writing habit (process) and cultural expectation (product) for a research paper writing task.

Transfer

Thus, strategic competence is viewed from an additive (versus deficit) cultural

perspective. Without L2 strategic competence, attempts to transfer competence from L1 academic writing to L2 academic legal writing may be socioculturally inappropriate; L2 graduate students may fail, drop out (Hu, 2001), or their transcripts may not accurately reflect disciplinary learning. Linguistic and rhetorical conventions from L1 academic writing may interfere with L2 academic legal writing (Connor, 1996). "There is ample evidence that L1 writing processes, for better or worse, are likely to be transferred to L2 to the extent that the writer's knowledge of the L2 permits" (Caudery, 2002, p. 183).

Summary of Relation Among Strategies Used across Stages for Participants

The strategies used in Stage 1 (pre-writing) helped the writers learn from their L2 legal sources and helped develop their thinking, planning, and organizing related to L2 legal English. The strategies helped limit the scope of writers' legal research and tailor their drafting by developing a controlling idea (that is, a argument, claim, or thesis). The strategies were efficient for time-management and effective for text creation. Pre-writing strategies are especially needed when international students and visiting scholars are unfamiliar with the use of thesis and purpose statements for academic writing.

The strategies used in Stage 2 (drafting) helped the writers learn from their legal research while writing. Through conscious use of strategies when writing about the law, the participants developed cognitively. In addition, the drafting strategies helped participants create text from legal sources without plagiarizing and helped develop the writers' genre competence through focused attention to presentation of legal analysis. Drafting strategies, in addition to the use of CALP skills, are especially needed when L2 academic writers are unsure of how to get words and concepts down effectively on paper without plagiarizing.

The revising strategies used in Stage 3 also helped develop the writers' thinking about the law when deciding what should be changed, deleted, added, or retained. The editing

strategies helped the writers make the shift from the cognitive to the socio-cultural when polishing and checking for linguistic conventions. Associated with editing strategies was the use of plain English grammar strategies that legal writers use to communicate effectively to their highly-educated readers. These strategies for clear, accurate, and concise expression of ideas in English accommodated the L2 legal writers' level of English, helping them to show cognition (logic) and deeper levels of understanding with their own text. Indeed, stages of writing were referred to by one student participant as "levels of writing." In sum, the revising strategies helped the legal writers process their declarative legal knowledge and develop competence in L2 English communication to show their analytical thinking. Reader-centered revising, editing, and grammar strategies are especially needed for international student writers and visiting scholars who assume that the primary responsibility for successful communication lies with the reader, not with the writer as in U.S. academic culture.

Iterative Use of Strategies and Skills. The use of disciplinary literacy strategies was iterative when the writer's role shifted to being a critical reader of his or her own legal text; "all work can be reviewed, evaluated, and revised" (Hyland, 2003, p. 11). In addition, the strategies combined with the same language skills across recursive stages of academic legal writing to develop L2 writers' cognitive-linguistic and sociocultural proficiency. Research writing overall acted as a mechanism, or tool, for student participants' conceptual development (assimilation and accommodation) in legal context.

Theory and Practice for Writing Assessment and Instruction

The American LL.M. is an important credential. Learning becomes a professional responsibility for L1 and L2 legal writing teachers and for content law professors who use academic research papers as summative assessment for linguistically and culturally diverse law students. Educating graduate student writers about strategic competence for

academic or disciplinary research writing means (a) adding to their repertoire of academic strategies, (b) giving them socially-culturally appropriate tools for developing thought, language, and disciplinary knowledge, (c) elevating them from undergraduate to graduate level "knowledge-building" (Coulson, 2009, p. 165), and (d) helping them transform as professionals who can meet the critical language needs of their countries, academic institutions, and professional school programs.

How Strategic Competence Facilitates Graduate Writers' Shift

This learner-centered study has shown how strategic competence facilitates L2 graduate writers' shift from the cognitive to the sociocultural "with the strategies to do it." Figure 11 below illustrates the interrelating shifts associated with strategic competence for participants in this study.

Figure 11: Interrelating strategic shifts to show competence or expertise in scholarly legal writing

- academic literacy strategies shift across stages
- academic language skills shift across stages
- goals for assessment shift across stages
- role of writer and reader shifts across stages
- role of composing shifts across stages from knowledge-telling to knowledge-transforming
- role of revising shifts to include techniques for self-editing and clear communication
- proficiency shifts across stages: acclimation (stage 1, pre-writing) → competence (stage 2, drafting) → proficiency (stage 3, revising) in domain learning.

In Figure 11, the dynamic process of scholarly writing reflects the dynamic nature of strategic competence for participants learning to be more skilled academic writers.

Academic content literacy, legal writing proficiency, and language use are interrelated.

Explicit Language Instruction

All research writers in graduate-professional school are required to show

competence or proficiency that satisfies performance expectations of highly educated native-English speaking (NES) professionals. Without explicit language instruction, however, there may be no significant progress for non-native English speaking (NNES) professionals where time and money are significant factors. Study-abroad without language instruction may not advance proficiency. This dissertation provides an efficient, effective, systematic approach to teaching, learning, and assessing L2 academic legal writers operating at professional to distinguished levels of writing proficiency that may include explicit language instruction and error correction.

Error Correction

Chapter 5 concluded that selective attention to self-editing in the revising stage may contrast substantively with surface-level editing practices currently (a) sanctioned by some university programs and writing centers; (b) recommended as a quick fix by some content law professors and academic advisors; and (c) sought after by some NNES graduate student writers. Second language academic legal writers may assume that native-English speakers, with or without disciplinary content knowledge, can "edit" their academic writing which, in fact, may be in need of revising from a sociolinguistic or sociocultural (reader) view. Rather than grammar, "lack of linguistic and cultural knowledge" may be at the heart of writing problems for advanced L2 writers (Caudery, 2002, p. 183).

Patterned Errors

Like surface-level mistakes in writing, deeper-level patterned errors may affect NES reader concentration or NNES writer meaning. Patterned errors may need to be pointed out within the disciplinary context of the L2 academic text, discussed in terms of

meaning, and corrected by graduate students themselves to advance proficiency and deepen learning. Corder (1974) explains that errors are significant to L2 learners. Patterned error correction shows the writer and the educator how far toward their proficiency goal the L2 writer has progressed. Patterned errors eventually get cleaned up through the conscious acts of revising and editing for specific purposes. Only at this point may proofreading by a native-English speaker, according to the Academic Honor Code, be cost-effective.

How student participants perceived their progress was important. Participants were able to control their L2 grammar in important ways by self-managing their academic writing process and legal research product. Learner-centered language instruction helped for both L1 and L2 academic English participants.

Disciplinary Learning and Writing

Alexander's (1997) Model of Domain learning (MDL) "attempts to explain how domain knowledge influences interest and strategy use, leading to better performance" (Greene & Azevedo, 2007, p. 351). From a language perspective, Alexander's (1997) MDL can be adapted to legal research paper writing to illustrate how the disciplinary writers moved along the novice-expert continuum: from (a) writer-centered learning in the early stages to (b) reader-centered communication in the revising stage that included using L2 grammar as an element of style in communication as well as in error correction.

Although both surface-level and deeper-level strategies may be used at each stage of scholarly legal writing, a progressive non-linear movement was seen from research topic *acclimation* (in pre-writing, stage 1) to *competence* (in drafting, stage 2) to demonstration of *expertise* (in revising, stage 3). This study shows that for the scholarly

L2 legal writer participants, academic domain knowledge and sociocultural knowledge of academic legal writing impact research writer interest, motivation, and engagement.

Development may follow learning, according to Vygotsky (1978). Through participation in the disciplinary activity of academic research writing, the L2 legal writer may progress (a) from apprenticeship in the use of L2 academic English to appropriation of L2 legal text (for example, key terms and phrases) with citation, and (b) from the L2 social to the L2 individual plane to communicate original thinking and authentic text that is source independent. The analytical point is that development happens through knowledge of language use in academic domain context.

Enhancement of Competences

Enhancement of competences is a higher-order goal, and recursiveness through Vygotsky's notion of the Zone of Proximal Development (ZPD), the distance between the learner's individual competence and the capacity to perform with assistance, requires assisting performance as the permanent and preeminent responsibility for teaching institutions (Gallimore & Tharpe, 1998). More than one kind of knowledge, skill, and competence is necessary for all graduate student writers to meet their professional goals in the 21st C.—era of globalization. At the very least, knowledge of drafting and revising as a construction strategy when writing from L2 legal sources is necessary for competent academic research writing: a highly analytical L2 legal performance task. This study underscores "draft-and-revision" (Afflerback, 1990) as an especially useful construction strategy for L2 legal writers who lack prior knowledge of academic legal writing.

Materials and Instruction

Goals for legal learning and research writing can be made explicit to graduate

student writers through instructional materials and learner-centered instruction that acknowledge difficulty of the scholarly L2 legal writing task. Explicitness and directness are sociocultural elements of style that, at the distinguished proficiency level, imply moving along the novice–expert continuum as much as moving along the language learning–producing continuum.

Reciprocal Learning

Like legal domain learning and academic legal writing, the teaching experience translates into a dialogic (reciprocal) relation through which L2 graduate students' legal research interests are discussed and met. This is a transformative process of educating L2 writer metacognition that implies extension, growth, and learning for both teacher and students. Also implied is collaboration between the disciplines (for example, SLA and law) at the professional level.

Figure 12 on the next page illustrates EDUCATING METACOGNITION within the context of Bloom's Taxonomy of Learning for scaffolding scholarly L2 legal writers' shift from knowledge-telling (stage 2, drafting) to knowledge transforming (stage 3, revising). The content of the two triangles is the same.

BLOOM'S TAXONOMY

<http://www.coun.uvic.ca/learn/program/hndouts/bloom.html>

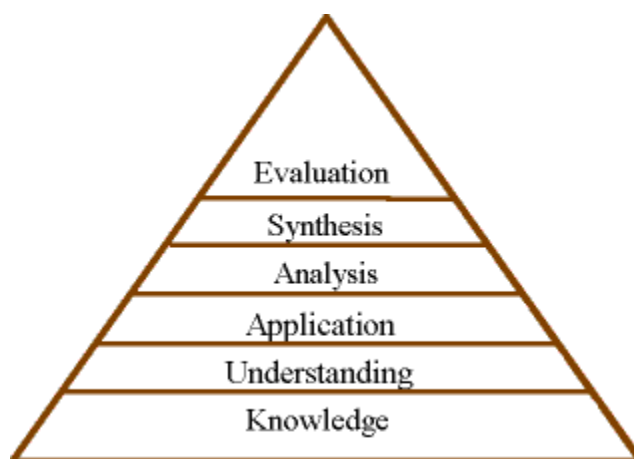
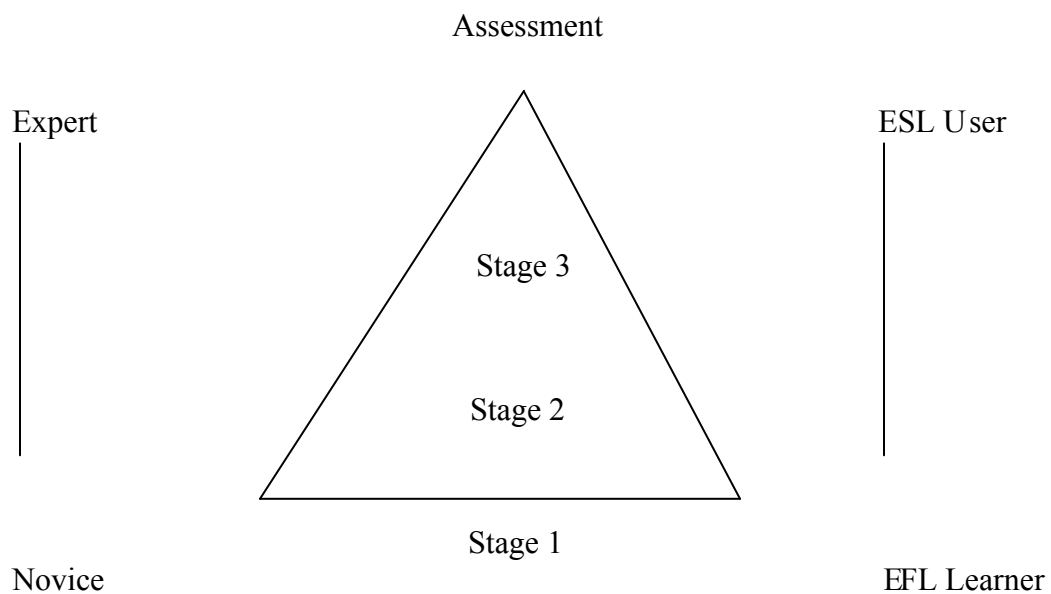


Figure 12: Scaffolding scholarly L2 legal writers' shift

EDUCATING METACOGNITION



Scaffolding L2 writers' shift from knowledge-telling → knowledge-transforming

Metacognitive Processing

In their discussion of the Chapelle et al. (1993) model of communicative competence applied to writing, Grabe and Kaplan (1996) explain the role of metacognitive processing and internal goal setting "for activating the type of processing which Bereiter and Scardamalia call 'knowledge transforming'" (p. 229). While discussing such a model is beyond the scope of this dissertation, the idea that teaching metacognitive strategies to promote learning and advance writing proficiency is not.

Metacognitive Strategies

The use of metacognitive strategies, in particular, assisted L2 legal writers in this study to (a) develop their analytical thinking (written and oral speech), and (b) enhance their existing competences. Also, explicit discussion of strategies helped them make *efficient* use of time and produce an *effective* research product. Figure 13 below shows the types of metacognitive strategies, organized into categories, found by the SCQ to be particularly useful for participants in this study.

Figure 13: Metacognitive strategies for scholarly writers to produce quality text and avoid plagiarism

POEMM Strategies
<ul style="list-style-type: none"> • Planning • Organizing • Evaluating • Managing • Monitoring

Note that the metacognitive strategies associated with strategic competence for the scholarly L2 legal writers in this study included managing the scholarly writing process: not just to avoid plagiarism but to produce expert, native-like quality text. Managing the

process helped the L2 legal writers control the complex cognitive and social processes (Sitko, 1998) involved in the production of text. Other key metacognitive strategies included the following:

Planning (P)

Three categories of *reading to write strategies* were particularly useful: that is,

Conceptual: I read for a purpose.

Rhetorical: I noted aspects of organizational structure for reuse in my writing.

Linguistic: I noted key legal terms and phrases for reuse in my writing.

Also, four categories of *reading to learn CALP skills* were particularly useful: that is,

- I paraphrased information by putting source material into my own words;
- I summarized information simply by reducing text;
- I summarized information complexly by selecting and reorganizing source text;
- I synthesized information by combining and connecting source text;
- I analyzed information by reflecting and breaking down source text into its parts.

Organizing (O)

I organized my writing from L2 legal sources in stages:

1. Planning/pre-writing (researching to learn)
2. Drafting (writing to learn)
3. Revising (writing to communicate)
4. Re-working for publication

Note that process-orientations are deeper tools than surface-level editing practices. In this study, a process approach allowed for interactive feedback to help move the L2 academic legal writers from lower to higher level thinking skills (Vygotsky) that included: analysis, synthesis, and evaluation of research and writing (Bloom).

Evaluating (E)

I compared my performance to the criteria for writing in the stage I was in—without worrying about my language, the outcome, or the final product.

Managing and Monitoring (M)(M)

I *managed* my shift from being learner-centered to reader-centered as a research writer, and I *monitored* the focus of my attention:

- conceptually;
- rhetorically;
- linguistically (recursive process).

With selective attention, I did not have to monitor my L2 English grammar while writing to produce a distinguished level (4) scholarly writing product.

In Sum

Awareness of my own process for scholarly writing allowed for

- self-reflection;
- planning how to proceed;
- monitoring my own performance on an on-going basis;
- getting feedback (conceptually, rhetorically, linguistically) when needed; and
- self-evaluation at key stages and upon task completion.

With writing strategies and quality assessment tools, I can be a self-regulated legal writer.

How L1 and L2 Teachers Can Benefit From This Work

English composition, L2 English and L1 legal writing teachers can benefit from this work by being more learner-centered and culturally responsive in their teaching and writing centers. Law professors can benefit by giving better feedback. Both teachers and professors, experts in their fields, can consider using more sophisticated, research-based strategies and checklists to help L2 writers develop existing competences rather than

focus exclusively on L2 writers' product. Strategies can be seen as cognitive and sociocultural tools that promote quality for L2 writers "concerned with analyzing and interpreting information critically, synthesizing disparate sets of information, creating information, arguing alternative perspectives, and presenting and promoting research" (Grabe & Kaplan, 1996, p. 341). In addition, the use of checklists for teacher and self-evaluation at stages of disciplinary writing have been found useful for L2 writers to make the strategic shift from writer-centered to reader-centered academic legal writing. The research-based tools in this dissertation study are adaptable for use in other disciplines. Finally, editing advanced L2 students' writing in-text can be less clear and helpful than giving explicit, organized feedback (a) conceptually, (b) rhetorically, and (c) linguistically. These categories promote reflection: for the teacher and for the student writer. They are learner-centered tools for reworking text and for self-editing that help to develop proficiency and enhance existing competences for L2 legal writers.

Implications for Future L2 Writing Research

The critical connection between research and practice for teaching L2 English professionals cannot be overemphasized. Educational research in disciplinary context impacts professional practice. More needs to be understood, however, in terms of the following research topics:

- organized (written) and interactive (oral) feedback for writers: conceptually, rhetorically, and linguistically;
- transitions as logical connectors in academic domain writing;

- transfer from competent L2 academic English writing to another language;
- revising and editing as a construction strategy related to competence in L2 academic domain writing; and
- the cognitive connection between L2 academic domain speaking and writing as complementary L2 academic English skills (like reading and writing).

Ferra, for example, explained that L2 legal exam writing was a physical task for her rather than an intellectual challenge, and that when she speaks she can see [and hear] her mistakes [in real-time], whereas in writing she can correct them.

These topics for research are diverse yet interrelated, like the variables for strategic competence in this descriptive study. The topics reflect the most obvious directions that L2 writing research can take. Because the goal is to help the writer, not the paper, more learner-centered writing research is needed that centers on L2 English professionals originating from contrasting academic systems, academic conventions, and academic standards: that is, L2 writers on the novice–expert (versus the L1–L2) continuum.

Appendix A

Interagency Language Roundtable Language Skill Level Descriptions

Writing

Preface

The following proficiency level descriptions characterize written language use. Each of the "base levels" ...implies control of any previous "base level's" functions and accuracy. *Statements describing accuracy refer to typical stages in the development of competence* in the most commonly taught languages in formal training programs in other languages. *Emerging competence* parallels these characterizations, but often with different details.

Writing 3 (General Professional Proficiency) Able to use the language effectively in most formal and informal written exchanges on practical, social and professional topics. Can write reports, summaries, short library research papers on current events, on particular areas of interest or on special fields with reasonable ease. Control of structure, spelling and general vocabulary is adequate to convey his/her message accurately but style may be obviously foreign. Errors virtually never interfere with comprehension and rarely disturb the native reader. Punctuation generally controlled. Employs a full range of structures. Control of grammar good with only sporadic errors in basic structures, occasional errors in the most complex frequent structures and somewhat more frequent errors in low frequency complex structures. Consistent control of compound and complex sentences. Relationship of ideas is consistently clear.

Writing 4 (Advanced Professional Proficiency) Able to write the language precisely and accurately in a variety of prose styles pertinent to professional/educational needs. Errors of grammar are rare including those in low frequency complex structures. Consistently able to tailor language to suit audience and able to express subtleties and nuances. Expository prose is clearly, consistently and explicitly organized. The writer employs a variety of organizational patterns, uses a wide variety of cohesive devices such as ellipses and parallelisms, and subordinates in a variety of ways. Able to write on all topics normally pertinent to professional and educational needs and on social issues of a general nature. Writing adequate to express all his/her experiences.

Writing 5 (Functionally Native Proficiency) Has writing proficiency equal to that of a well educated native. Without non-native errors of structure, spelling, style or vocabulary can write and edit both formal and informal correspondence, official reports and documents, and professional/educational articles including writing for special purposes which might include legal, technical, educational, literary and colloquial writing. In addition to being clear, explicit and informative, the writing and the ideas are also imaginative. The writer employs a very wide range of stylistic devices.

Retrieved June 18, 2009, from <http://www.govtilr.org/Skills/ILRscale5.htm>

Appendix B

Preliminary Writing Strategies Questionnaire

(adapted from Mu & Carrington, 2007, pp. 22-23)

The purpose of this survey is find out what YOU think about writing. There are no right or wrong answers. So, please answer the questions based on what you really think. Your answers will be kept confidential and will not affect anyone's opinion of you.

Directions

In this questionnaire, you will find statements describing writers and the process of writing. Indicate HOW WELL EACH STATEMENT DESCRIBES YOU by writing a number beside each statement according to the following scale:

- 1- I strongly **disagree**
 2- I disagree
 3- I neither agree nor disagree
 4- I agree
 5- I strongly **agree**

- ___ 1. Different academic cultures have different types of texts and writing styles.
- ___ 2. The standard of what is considered good writing is established by each culture.
- ___ 3. Writing well in my native language is very important in my native culture.
- ___ 4. The writing instruction I received at law school has influenced my approach to writing in (legal) English.
- ___ 5. My educational, social experience, family and friends have all influenced my English writing.
- ___ 6. Writing in English involves a different process from writing in my native language.
- ___ 7. Writing in English is simply a matter of translating ideas from my native language to English.
- ___ 8. I have never been taught any writing strategies with my native language.
- ___ 9. I often use my native language writing strategies in my English writing.
- ___ 10. Writing in English is equally difficult for both native and non-native speakers.
- ___ 11. Writing in English is more difficult than writing in my native language.
- ___ 12. I like writing in my native language and I am a good writer in my native language.
- ___ 13. I feel comfortable writing in English.
- ___ 14. The grammar we were taught at school has helped me develop good writing.
- ___ 15. By working on my grammatical errors, I improve my writing fluency.

- 1- I strongly **disagree**
 2- I disagree
 3- I neither agree nor disagree
 4- I agree
 5- I strongly **agree**

- ___ 16. Studying grammar and vocabulary is the most effective way of improving my writing.
- ___ 17. When developing ideas for writing, I pay attention to grammar and vocabulary.
- ___ 18. As I write, I concentrate on the content and on the grammar.
- ___ 19. The content is more important than the grammar in writing an argument.
- ___ 20. Any English text includes an introduction, development, and conclusion.
- ___ 21. A good introduction anticipates the issues that will be dealt with later.
- ___ 22. Starting to write is one of the most difficult steps in writing.
- ___ 23. At the very least, a good conclusion summarizes the main points.
- ___ 24. Writing a conclusion is not always necessary.
- ___ 25. Each paragraph has a main idea and information supporting it.
- ___ 26. Each paragraph has a unifying idea.
- ___ 27. My sentences are not too long or complex.
- ___ 28. I use long and short sentences interchangeably when I write.
- ___ 29. I use synonyms rather than repeat key words in my writing for law school.
- ___ 30. An effective written text always has a clear, well defined organization.
- ___ 31. I organize my writing according to existing text models.
- ___ 32. I organize my writing according to my common sense, without imitating any rhetorical form.
- ___ 33. The important ideas or arguments are always presented first.
- ___ 34. I link my ideas with connecting words, phrases, and punctuation.
- ___ 35. By focusing my attention on ideas and establishing good connections, my writing improves.
- ___ 36. When I revise, I always pay attention to how ideas are connected from paragraph to paragraph.
- ___ 37. Writing is a thinking process because it demands conscious and intellectual effort.

- 1- I strongly **disagree**
 2- I disagree
 3- I neither agree nor disagree
 4- I agree
 5- I strongly **agree**

- ___38. Writing is a linear process: I start by thinking of ideas, writing them, and finally revising them.
- ___39. Writing is a circular or recursive process: I think of ideas, write them, and revise them at any point in the process.
- ___40. A good way to develop writing skills is by reading a lot.
- ___41. A good way to improve writing is by learning and imitating different types of organization.
- ___42. I often evaluate what I have written while I am writing.
- ___43. I keep a checklist of errors that I usually make and revise the list regularly.
- ___44. I plan what steps to take in order to improve my writing ability.
- ___45. Good writers spend time thinking and planning before writing.
- ___46. I find it useful to write an outline before starting to write in English.
- ___47. I spend little or no time planning.
- ___48. I plan as I write i.e., write, stop to plan, and write again.
- ___49. When I know the subject, it is not necessary to plan.
- ___50. I follow my original plans strictly.
- ___51. When I do not understand the professor's corrections, I ask for clarification.
- ___52. Sometimes I ask my classmates to clarify the task for writing.
- ___53. I like to write quickly all the ideas I have in mind for a research topic and then decide which ideas to develop.
- ___54. Once I have thought of some ideas, I select the main idea and develop it.
- ___55. I generate ideas by thinking of associations.
- ___56. Writers get ideas by interacting with people and reading different sources.
- ___57. I use my native language when thinking or planning for an argument.
- ___58. I rarely know exactly in the beginning what it is I am going to write about because many ideas are only revealed during the act of writing itself.
- ___59. I need to have a clear idea and opinion of my research topic before I start to write.

- 1- I strongly **disagree**
 2- I disagree
 3- I neither agree nor disagree
 4- I agree
 5- I strongly **agree**

- ___ 60. I borrow other writers' ideas randomly because knowledge is the common property of human beings.
- ___ 61. It is not plagiarism if I paraphrase or change other writers' words for use in my writing without reference.
- ___ 62. It is important to consider who is going to read my written work.
- ___ 63. I consider my purpose and the audience from the beginning.
- ___ 64. It is impolite to consider the audience too much because they will be regarded incapable of understanding my writing.
- ___ 65. It is polite to let readers infer the meaning of my writing rather than express my meaning directly.
- ___ 66. My first draft is usually close to my final one.
- ___ 67. Writing only one draft is enough because the first draft contains the real ideas.
- ___ 68. I correct my grammar and spelling only after reviewing my ideas.
- ___ 69. Good writers rewrite papers several times.
- ___ 70. The less I have to revise and change ideas, the better my writing will be.
- ___ 71. When revising a paper, I leave it for several days to have an objective perspective of my own work.
- ___ 72. When revising, I examine each idea again and see how it is developed within the same paragraph.
- ___ 73. I improve my writing by listening to native speakers.
- ___ 74. If a word in English is not known, I write it in my native language or leave it blank temporarily.
- ___ 75. When revising, I have other people read my work and give me their opinion.
- ___ 76. If I cannot find proper expressions for some ideas, I give them up.
- ___ 77. I prefer to simplify my complex ideas when I write in English.
- ___ 78. I avoid discussing some sensitive topics related to politics and religion.
- ___ 79. Extroverted people tend to be poor writers.

- 1- I strongly **disagree**
 2- I disagree
 3- I neither agree nor disagree
 4- I agree
 5- I strongly **agree**

- ___ 80. Introspection and reflection help to develop good writing.
- ___ 81. It is important to be self-confident to be a good writer.
- ___ 82. I am good at writing in English and in my native language.
- ___ 83. By developing more self-confidence, I can improve my writing.
- ___ 84. I do not feel so sure of myself when I write in academic legal English.
- ___ 85. Having strong motivation is important in developing good writing skills.
- ___ 86. Writing well in English is important for my studies in law school.
- ___ 87. I want professors to think I write like a native speaker.
- ___ 88. I think writing is a boring, tedious activity.
- ___ 89. I feel disappointed when the professor corrects everything I have written.
- ___ 90. I get nervous when I have to write in class.
- ___ 91. I worry that American professors will not understand my writing.
- ___ 92. It does not matter to me if I make a lot of mistakes in my English writing so long as people can understand what I write.
- ___ 93. The more time I have to write a paper, the better I do it.
- ___ 94. Good writing means working hard to express my meaning.
- ___ 95. To develop good writing skills, one usually needs to write a lot.
- ___ 96. I try to write and read as much as possible to develop writing fluency.
- ___ 97. I put a lot of effort into my writing assignments for law school.
- ___ 98. By having peers and classmates give their opinion, I can improve my writing in English.
- ___ 99. It is a good strategy to ask native speakers and peers to read my written work.
100. Another statement that describes me as an academic legal writer using English is:
- _____
- _____

Now, circle those items to which you gave "1" and "5" and be prepared to comment.

Appendix C

**STRATEGIC COMPETENCE FOR PROFESSIONAL PROFICIENCY IN
SCHOLARLY SECOND LANGUAGE (L2) LEGAL WRITING FOR
INTERNATIONAL LEGAL STUDIES**

STAGE 1

Research topic/title: _____

Task Specific Pre-Writing Strategies

On the following pages, you will find statements describing conscious, goal directed actions legal research writers may take more than once while preparing to write a scholarly (academic) research paper. These actions, intentionally used to prepare for writing effectively and efficiently using L2 legal English, are called *pre-writing strategies*. Please read each statement carefully, then write the response (1, 2, 3) that BEST DESCRIBES YOU while you were preparing to write the first draft of your major analytical research paper, fall 2008. There are no right or wrong answers.

- | |
|--|
| 1. Yes , true of me
2. No , not true of me
3. Don't know |
|--|

READING TO WRITE STRATEGIES

1. I used these legal reading strategies to find a topic, thesis, or claim for my major analytical research paper, fall 2008 (*all that apply*)

Conceptual

___ I read for a purpose.

___ I noted important details from the reading relevant to my topic.

___ I summarized from the reading.

___ I constructed notes from the reading.

___ I annotated the reading with critical comment.

___ I drew conclusions from the reading relevant to my thesis/claim.

___ I "talked back to the text" by problem posing while reading.

___ *Other* _____

1. **Yes**, true of me
2. **No**, not true of me
3. Don't know

Rhetorical

___ I noted aspects of organizational structure for reading comprehension.

___ I noted aspects of organizational structure for reuse in my writing.

___ *Other* _____

Linguistic

___ I noted key legal terms for reading comprehension.

___ I noted key legal terms for reuse in my writing.

___ I noted key English phrases for reading comprehension.

___ I noted key phrases for reuse in my writing.

___ I paraphrased in English for reading comprehension.

___ I paraphrased in English for reuse in my writing.

___ I translated from my first language (L1).

___ I annotated in a language other than English.

___ *Other* _____

2. I used these writing strategies for combining reading, note-taking, and thinking to discover what is important or true for me about my research topic, thesis, or claim for my major analytical paper, fall 2008 (*all that apply*)

___ I used texts or quotes from experts to stimulate thoughts and ideas.

___ I brainstormed or exchanged ideas with others about my research project.

___ I read other writers for modeling of style and organization.

___ I made a chart of persuasive legal sources.

___ I planned in my native language before beginning to write.

___ I made notes in my native language before beginning to write.

___ I made a preliminary outline or table of contents.

1. **Yes**, true of me
2. **No**, not true of me
3. Don't know

___ I started to write immediately, without a plan.

___ I made a timetable for when I would do my writing, allowing time for revising.

___ I found a quiet place where I could concentrate on my legal writing.

___ I made a list of vocabulary/legal terms/concepts I wanted to use before writing.

___ I considered general problems related to scholarly legal writing (*e.g.*, audience, purpose, rhetorical structure, length of paper).

Other _____

READING TO LEARN

3. I used these cognitive academic language skills to prepare to write the first draft my major analytical paper, fall 2008 (*all that apply*)

___ I paraphrased information by putting source material (text) into my own words.

___ I summarized information simply by reducing source text.

___ I summarized information complexly by selecting and reorganizing source text.

___ I synthesized information by combining and connecting source text.

___ I analyzed information by reflecting and breaking down source text into its parts.

DEVELOPING PROFICIENCY

4. I used these legal writing activities to develop my ability to write an analytical paper, fall 2008 (*all that apply*)

___ writing articles for professional journals

___ editing (*e.g.*, Human Rights) column/articles/books

___ writing papers for law school classes

___ preparing for a dissertation in my home country

___ writing memoranda and summary reports for *American Legal Institutions*

___ writing columns or scholarly articles for publishing or posting on the web

___ other (*please describe*) _____

1. **very** important
2. **somewhat** important
3. **not** important

LANGUAGE, COMPOSITION, AND KNOWLEDGE

5. These are my areas of concern in language and legal composition before writing my major analytical research paper in English, fall 2008 (*all that apply*)

- _____ organization
- _____ grammar
- _____ punctuation
- _____ meaning (content analysis)
- _____ legal style (ABC: accuracy, brevity, and conciseness)
- _____ social-cultural appropriateness for the U.S. law school educated reader
- _____ formal vs. informal English language (register)
- _____ references and citations to scholarly legal works
- _____ stages of legal writing (e.g., write to learn before writing to communicate)
- _____ other _____

6. These are my areas of concern in writing knowledge before writing my major analytical research paper in English, fall 2008 (*all that apply*)

- _____ *Knowing more about American law school conventions*
- _____ *Knowing more about how to write in English from L2 legal sources*
- _____ *Knowing more about the English language and the basic linguistic system*
- _____ *Knowing more about research writing as a process for effective legal writing*
- _____ *Knowing more about the kinds (genres) of legal writing*
- _____ *Knowing more about the assessment criteria for scholarly legal writing*
- _____ *Knowing more about my academic world as material for L2 law classroom discussion.*
- _____ other _____

IDENTIFYING MY USE OF LANGUAGE

7.a I used a language other than English in this (pre-writing) stage for reading, note-taking, or thinking (*check one*).

- _____ 1. **Yes**, true of me
 _____ 2. **No**, not true of me
 _____ 3. Don't know

7.b **If yes**, please give details.

DEVELOPING AS A LEGAL WRITER

8. Please describe how the strategies you used in this (pre-writing) stage are helping you develop competency as an L2 legal writer.

9. Please describe how preparing to write a research paper in U.S. law school context is similar to or different from preparing to write a research paper in your home university or law school.

<p><i>Thank you for participating in this study.</i></p>
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**STRATEGIC COMPETENCE FOR PROFESSIONAL PROFICIENCY IN
SCHOLARLY SECOND LANGUAGE (L2) LEGAL WRITING FOR
INTERNATIONAL LEGAL STUDIES**

STAGE 2

Research topic/title: _____

Task Specific Drafting Strategies

On the following pages, you will find statements describing conscious, goal directed actions legal research writers may take more than once while drafting a scholarly (academic) research paper. These actions, intentionally used for drafting effectively and efficiently using L2 legal English, are called *drafting strategies*. Please read each statement carefully, then write the response (1, 2, 3) that BEST DESCRIBES YOU while drafting your major analytical research paper, fall 2008. There are no right or wrong answers.

1. **Yes**, true of me
2. **No**, not true of me
3. Don't know

DRAFTING STRATEGIES

1. I used these strategies for getting words and concepts down effectively on paper while drafting my major analytical paper, fall 2008 (*all that apply*).

- ☐ I focused on what authority is predominant to begin writing.
- ☐ I summarized information from persuasive legal sources to begin writing.
- ☐ I synthesized information from persuasive legal sources to begin writing.
- ☐ I paraphrased from legal sources to begin writing (knowledge telling strategy).
- ☐ I used my knowledge of audience and purpose for writing to guide my drafts.
- ☐ I focused on the Background section to get started.
- ☐ I focused on the Discussion (Analysis) section to get started.
- ☐ I re-read legal texts that served as rhetorical models.
- ☐ I reordered information from legal source texts to use in my drafts.
- ☐ I conferenced with the instructor/professor to refine and clarify my ideas.

1. **Yes**, true of me
2. **No**, not true of me
3. Don't know

- ___ I collaborated with classmates to refine and clarify my ideas.
- ___ I considered various ways of organizing ideas related to my purpose.
- ___ When I could not think of the correct expression to write, I usually found a different way to express the idea (*e.g.*, I used a synonym or described the idea).
- ___ I monitored my text for errors while I wrote.
- ___ I reviewed what I had already written before generating additional content.
- ___ I rejected irrelevant substantive content while I wrote.
- ___ I postponed editing my English until I finalized the content (analysis).
- ___ I wrote two drafts.
- ___ I wrote three or more drafts.
- ___ I changed my organization as needed.
- ___ I reassessed or changed my purpose as needed.
- ___ I changed my ideas or made my ideas clearer as I wrote more drafts.
- ___ I used a bilingual legal dictionary.
- ___ I used an American legal English dictionary.
- ___ I wrote run-on sentences in English to get important ideas down before revising.
- ___ I used both English and my native language to avoid interrupting my thinking.
- ___ I wrote in English, leaving gaps for missing English words.

Other _____

WRITING TO LEARN

2. I used these cognitive academic language skills for effectively drafting my major analytical paper, fall 2008 (*all that apply*)

- _____ I paraphrased information by putting source material (text) into my own words.
- _____ I summarized information simply by reducing source text.
- _____ I summarized information complexly by selecting and reorganizing source text.

1. **Yes**, true of me
2. **No**, not true of me
3. Don't know

_____ I synthesized information by combining and connecting source text.

_____ I analyzed information by reflecting and breaking down source text into its parts.

_____ *other* _____

IDENTIFYING MY PURPOSE AND LEVELS OF COMPOSING

3. I used these broad levels of writing purpose for effectively drafting my major analytical paper, fall 2008 (*number all that apply*).

_____ I wrote to state knowledge by listing, repeating, or paraphrasing source text.

_____ I wrote to understand, remember, summarize simply, or extend notes to myself.

_____ I wrote to learn, problem-solve, summarize complexly, or synthesize source text information.

_____ I wrote to critique, persuade, or interpret evidence selectively and appropriately.

_____ *other* _____

IDENTIFYING MY USE OF LANGUAGE

4. a I used a language other than English in this (drafting) stage for writing my paper (*check one*).

_____ 1. **Yes**, true of me

_____ 2. **No**, not true of me

_____ 3. Don't know

4. b **If yes**, please give details.

DEVELOPING AS A LEGAL WRITER

5. Please describe how the strategies you used in this (drafting) stage are helping you develop competency as an L2 legal writer.

6. Please describe how drafting a research paper in U.S. law school context is similar to or different from drafting a research paper in your home university or law school.

Thank you for participating in this study.

**STRATEGIC COMPETENCE FOR PROFESSIONAL PROFICIENCY IN
SCHOLARLY SECOND LANGUAGE (L2) LEGAL WRITING FOR
INTERNATIONAL LEGAL STUDIES**

STAGE 3.a

Research topic/title: _____

Task Specific Revising Strategies

On the following pages, you will find statements describing conscious, goal directed actions legal research writers may take more than once while revising a scholarly (academic) research paper. These actions, intentionally used for revising effectively and efficiently using L2 legal English, are called *revising strategies*. Please read each statement carefully, then write the response (1, 2, 3) that BEST DESCRIBES YOU while revising your major analytical research paper, fall 2008. There are no right or wrong answers.

1. **Yes**, true of me
2. **No**, not true of me
3. Don't know

REVISING STRATEGIES

1. I used these strategies to decide what should be changed, deleted, added, or retained while revising my major analytical paper, fall 2008
(*all that apply*).

- ___ I read critically and reflected on my own written drafts.
- ___ I reused self-created materials such as notes or outlines to help me revise.
- ___ I used summary as I revised.
- ___ I used paraphrase as I revised.
- ___ I used synthesis as I revised.
- ___ I re-ordered my writing as I revised.
- ___ I made legal content revisions.
- ___ I made lexical/vocabulary revisions.
- ___ I made linguistic/grammar revisions.

1. **Yes**, true of me
2. **No**, not true of me
3. Don't know

- ☐ I asked myself if I repeated key words and phrases for cohesion and emphasis.
- ☐ I asked myself if I included the right level of detail.
- ☐ I asked myself if my purpose is clear.
- ☐ I asked myself if my message is clear.
- ☐ I asked myself if I addressed the needs of my reader.
- ☐ I got feedback from peers (about what stood out for them) to assess how effectively I communicated my message.
- ☐ I got feedback from my writing instructor to assess how effectively I communicated my message.
- ☐ I got expert writing feedback from my instructor to build or re-construct my analysis.
- ☐ I got expert legal opinion of my analysis from my content law professor.
- ☐ I asked myself if there was a large and a small organization to what I had written.
- ☐ I asked myself if I used headings, subheadings, and logical connectors effectively.
- ☐ I revised my paper at least once to improve the language and the content (analysis).
- ☐ I revised my paper to ensure sentence to sentence (semantic) cohesiveness.
- ☐ I revised my paper to ensure speaker to speaker (pragmatic) coherence.
- ☐ I added critical comment after quotations that end paragraphs.
- ☐ I used (or re-used) reference materials when revising.
- ☐ I discussed my text with a knowledgeable writer or instructor who put the text in his/her own words, and then I compared the paraphrase to my original version.
- ☐ I changed material.
- ☐ I added material.
- ☐ I deleted material.
- ☐ I compared my writing to a model when revising.
- ☐ I revised the analytical Discussion section before the Introduction and Conclusion.
- ☐ I reflected on my content learning when revising.

Other _____

1. **Yes**, true of me
2. **No**, not true of me
3. Don't know

EDITING STRATEGIES

Editing is part of the revising process that involves polishing and checking for conventions rather than for content in stage 3 of the writing process.

2. I used these strategies to edit effectively before submitting my major analytical paper, fall 2008 (*all that apply*).

- ☐ I asked myself whether my paper was an example of good legal writing.
- ☐ I proofread my legal writing at least once for form (*e.g.*, paragraph structure).
- ☐ I proofread my legal writing for sentence structure (syntax).
- ☐ I proofread my legal writing for proper word choice (diction).
- ☐ I proofread my legal writing for punctuation.
- ☐ I proofread my legal writing for capitalization.
- ☐ I proofread my legal writing for spelling (*e.g.*, Microsoft Word "Tools").
- ☐ I proofread my legal writing for appearance (*e.g.*, spacing, indentation).
- ☐ I proofread my legal writing for citation.
- ☐ I engaged in peer review with fellow classmates– non-native speakers included.
- ☐ I considered legal English style techniques (below) to enhance clarity and readability in my legal writing.

Other _____

GRAMMAR STRATEGIES

Editing in second language (L2) legal English also involves the use of *plain English writing* strategies (that is, grammar strategies for clear, accurate expression of ideas in English).

3. I used these grammar strategies to communicate effectively in writing before submitting my major analytical paper, fall 2008 (*check all that apply*).

- ☐ I checked to see whether I used short and medium-length sentences.
- ☐ I checked whether my sentences contained concrete subjects and active verbs.
- ☐ I tried to avoid nominalizations (the practice of changing verbs to nouns)

1. **Yes**, true of me
2. **No**, not true of me
3. Don't know

- ___ I made one point per sentence, preferring simple and complex sentence structures to compound sentence structures.
- ___ I made sentences affirmative, not negative.
- ___ I preferred active voice to passive voice with some exceptions.
- ___ I used parallel structures in sentences containing multiple elements.
- ___ I used clear and logical lists with grammatically parallel elements.
- ___ I used familiar words instead of flowery language or ornate words.
- ___ I used consistent wording/phrasing without changing words for variety (e.g. "The defendant *proposes*...This *proposal* is...").
- ___ I kept subjects + verbs/verbs + objects undivided, without interrupting phrases
- ___ I used accurate and adequate punctuation as "road signs" in my legal writing.
- ___ I used precise transitions to convey exact connections.
- ___ I used consistent parallel word signals such as *first* and *second*.
- ___ I provided structural clues and repeated key structure words to improve readability (e.g., *that*).
- ___ I used simple past tense for events that already occurred.
- ___ I used quotations only when necessary.
- ___ I avoided long, multi-clause sentences ("headnote" legal style).

Other _____

WRITING TO COMMUNICATE

4. I used these cognitive academic language skills for effectively revising and editing my major analytical paper, fall 2008 (*all that apply*).

- ___ I paraphrased information by putting source material (text) into my own words.
- ___ I summarized information simply by reducing source text.
- ___ I summarized information complexly by selecting and reorganizing source text.
- ___ I synthesized information by combining and connecting source text.

1. **Yes**, true of me
 2. **No**, not true of me
 3. Don't know

_____ I analyzed information by reflecting and breaking down source text into its parts.

_____ *other* _____

IDENTIFYING MY PURPOSE AND LEVELS OF COMPOSING

5. I used these broad levels of writing purpose for effectively revising my major analytical paper, fall 2008 (*all that apply*).

_____ I wrote to state knowledge by listing, repeating, or paraphrasing source text.

_____ I wrote to understand, remember, summarize simply, or extend notes to myself.

_____ I wrote to learn, problem-solve, summarize complexly, or synthesize information.

_____ I wrote to critique, persuade, or interpret evidence selectively and appropriately.

_____ *other* _____

KNOWLEDGE TRANSFORMING

6. Revising (stage 3) was the most effective stage for transitioning my writing from *knowledge telling* (stating knowledge) to *knowledge transforming* (deepening my level of understanding to include analysis, synthesis, evaluation of research) (*check one*).

_____ 1. **Yes**, true of me

_____ 2. **No**, not true of me

_____ 3. Don't know

7. This particular stage 3 strategy helped me the most to deepen my thinking in English while revising my major analytical paper, fall 2008 (*check one*).

_____ using analysis to generate original content

_____ integrating propositions (*e.g.*, statements/assertions) for conciseness

_____ integrating propositions (*e.g.*, statements/assertions) for comprehensiveness

1. **Yes**, true of me
2. **No**, not true of me
3. Don't know

_____ using revising routines for accuracy in thought and expression

_____ using editing routines for clarity in thought and expression

_____ using plain English writing strategies for accuracy, brevity, and clarity

Other _____

8. This particular strategy group helped deepen my thinking in English the most while revising my major analytical paper, fall 2008 (*check one*).

_____ *Conceptual transforming* (for refining my working thesis)

_____ *Rhetorical transforming* (for binding my overall structure *e.g.*, problem-solution)

_____ *Linguistic transforming* (for getting away from the language of my source texts)

9. This particular *linguistic transforming* strategy helped me the most to transform text information while revising, giving me authorship of my major analytical paper, fall 2008 (*check one*).

_____ I used lexical repetition by repeating key legal terms and phrases.

_____ I used source texts or quotations to support my own text.

_____ I paraphrased (by stating knowledge—not composing).

_____ I summarized (composed by selecting and reorganizing).

_____ I synthesized (composed by combining and connecting).

IDENTIFYING MY USE OF LANGUAGE

10. a I used a language other than English in this (revising) stage for writing my paper (*check one*).

_____ 1. **Yes**, true of me

_____ 2. **No**, not true of me

_____ 3. Don't know

10. b **If yes**, please give details[below].

DEVELOPING AS A LEGAL WRITER

11. Please describe how the strategies you used in this (revising) stage are helping you develop competency as an L2 legal writer.

12. Please describe how revising a research paper in U.S. law school context is similar to or different from revising a research paper in your home university or law school.

Thank you for participating in this study.

**STRATEGIC COMPETENCE FOR PROFESSIONAL PROFICIENCY IN
SCHOLARLY SECOND LANGUAGE (L2) LEGAL WRITING FOR
INTERNATIONAL LEGAL STUDIES**

STAGE 3.b

Title: _____

Legal Writing Proficiency and Strategies Instruction

Much legal writing is expository writing that analyzes a topic, explains factual information, supports a subject, or presents an idea. You often do one or all when writing a legal memo, substantive email, or scholarly article. In legal writing within the U.S. law school context, you have been concerned with effectiveness rather than pure literary form. Please read each statement carefully, then *check* or write the response (1, 2, 3) that BEST DESCRIBES YOU NOW (a) after revising your major analytical research paper, fall 2008 and (b) after completing a semester of the *Advanced English for Legal Research Writer's* course (Law 096-004). There are no right or wrong answers.

CAN DO CHECKLIST OF DEFINING ABILITIES

1. *Check* everything you can do now in legal (expository) writing:

Level 3 (General Professional Proficiency)

- *I can write effectively in most informal written exchanges on social topics.* _____
- *I can write effectively in most formal written exchanges on professional topics.* _____
- *I can write reports, summaries, and short research papers on current events with reasonable ease.* _____
- *I can write reports, summaries, and short research papers on particular areas of interest or on special fields with reasonable ease.* _____
- *I can control structure, spelling, and general vocabulary to convey my message accurately, clearly, and concisely (even if my style may be obviously foreign).* _____
- *I can write without the kind of errors that may interfere with reader comprehension* _____
- *I can generally control my punctuation in legal writing.* _____
- *I can employ a variety of language structures in legal writing.* _____
- *I can write with only a few sporadic (scattered) errors in basic structures.* _____

- *I can write with only occasional errors in the high-frequency complex structures (e.g., articles, prepositions, past perfect/progressive tenses, past/perfect modals). _____*
- *I make more errors in the low-frequency complex structures (e.g., passive voice, gerunds /infinitives, conditional/future perfect/and compound tenses such as past perfect progressive, etc.) when I write. _____*
- *I can consistently control compound and complex structures in legal writing. _____*
- *I can make the relationship of ideas consistently clear in legal writing. _____*

Level 4 (Advanced Professional Proficiency)

- *I can use English to write accurately in both formal and informal styles pertinent to my professional school needs. _____*
- *I can write with relatively few grammatical errors in English, including those in low-frequency complex structures (above) _____*
- *I can consistently tailor my legal writing to suit my readers' (audience) needs. _____*
- *I can express subtleties and nuances (shades of meaning) in legal writing. _____*
- *I can write clearly, consistently, and explicitly in legal memos and other analytical papers. _____*
- *I can employ a variety of rhetorical patterns to convey meaning in legal writing. _____*
- *I can use a wide variety of cohesive devices such as ellipsis (...), parallelisms, and subordinate clauses in a variety of ways. _____*
- *I can write on all topics normally pertinent to professional school needs. _____*
- *I can write on all topics normally pertinent to social issues of a general nature. _____*

Level 5 (Functionally Native Proficiency)

- *I can write with proficiency equal to that of a law school educated native speaker. _____*
- *I can write legal English documents without nonnative errors of structure, spelling, style, or vocabulary. _____*
- *I can write and edit both formal and informal professional correspondence. _____*
- *I can write and edit official reports, documents, and professional articles. _____*
- *I can edit writing for special legal purposes such as scholarly writing. _____*
- *I can write clearly, explicitly, informatively, **and** persuasively in one document. _____*
- *To enhance clarity and readability, I can employ a wide range of stylistic devices known as plain English writing strategies (e.g., keeping the subject and verb undivided and focused on your point; using precise transitions to convey exact connections). _____*

1. **Very** important
2. **Somewhat** important
3. **Not** important

STRATEGIES INSTRUCTION

2. *Check* how important direct (explicit) writing strategies instruction was for you to develop an *efficient writing process*, fall 2008 research paper (*all that apply*).

- ____ direct instruction was important at *early* stages (e.g., pre-writing—drafting)
- ____ direct instruction was important at *later* stages (e.g., drafting—revising)
- ____ direct instruction was important at *all* stages (e.g., pre-writing, drafting, revising)

3. *Check* how important direct (explicit) writing strategies instruction was for you to develop an *effective writing product*, fall 2008 research paper (*all that apply*)

- ____ direct instruction was important at *early* levels (e.g., conceptual—rhetorical)
- ____ direct instruction was important at *later* levels (e.g., rhetorical—linguistic)
- ____ direct instruction was important at *all* levels (e.g. conceptual, rhetorical, linguistic)

4. *Check* how important direct (explicit) writing feedback was for you as a second language (L2) legal writer to complete your fall 2008 research paper (*all that apply*).

- ____ legal English writing teacher interactive/corrective feedback were important
- ____ peer native-English speaker (non-teacher) correction/explanation were important
- ____ peer non-native English speaker (class-mate) correction/explanation were important
- ____ content law professor interactive/substantive feedback were important (if available)

5. *Identify* additional kinds of writing tools or support you might need to survive/thrive as a legitimate participant in your scholarly legal discourse¹⁷ community.

Please be specific.

¹⁷ The word "discourse" in this context means English language produced as a n a ct of c ommunication (Hyland, 2006).

**STRATEGIC COMPETENCE FOR PROFESSIONAL PROFICIENCY IN
SCHOLARLY SECOND LANGUAGE (L2) LEGAL WRITING FOR
INTERNATIONAL LEGAL STUDIES**

STAGE 4

Title: _____

Task Specific Publishing Strategies

On the following pages, you will find statements describing conscious, goal directed actions legal research writers may take more than once while preparing to publish a scholarly (academic) legal research paper or article. These actions, intentionally used for preparing to publish effectively and efficiently using L2 legal English, are called *publishing strategies*. Please read each statement carefully, then write the response (1, 2, 3) that BEST DESCRIBES YOU while preparing to publish your major analytical legal research paper, fall 2008. There are no right or wrong answers.

1. **Yes**, true of me
2. **No**, not true of me
3. Don't know

PUBLISHING STRATEGIES

1. I used these publishing strategies after receiving a grade with corrective feedback from my law professor for my major analytical paper, spring 2008 (*all that apply*).

___ I asked my professor whether my paper was of publishable quality.

___ I asked myself if I could make the revisions my professor suggested.

___ I chose an appropriate journal.

___ I followed the manuscript guidelines carefully.

___ I submitted as clean a draft as possible to the current editor of the journal.

___ I sent my manuscript to only one journal at a time, if required.

___ I paid attention to the "revise and resubmit" suggestions made by reviewer(s).

1. **Yes**, true of me
2. **No**, not true of me
3. Don't know

___ I wrote a careful cover letter in which I addressed all the points made by the reviewers, explaining what I changed in my manuscript and why I did not make other suggested changes.

Other _____

WRITING TO COMMUNICATE

2. I used these cognitive academic language skills for preparing to publish my major analytical paper, fall 2008 (*all that apply*).

___ I paraphrased information by putting source material (text) into my own words.

___ I summarized information simply by reducing source text.

___ I summarized information complexly by selecting and reorganizing source text.

___ I synthesized information by combining and connecting source text.

___ I analyzed information by reflecting and breaking down source text into its parts.

___ other _____

IDENTIFYING MY PURPOSE AND LEVELS OF COMPOSING

3. I used these broad levels of writing purpose for effectively revising my major analytical paper, fall 2008, for publication (*all that apply*).

___ I wrote to state knowledge by listing, repeating, or paraphrasing source text.

___ I wrote to understand, remember, summarize simply, or extend notes to myself.

___ I wrote to learn, problem-solve, summarize complexly, or synthesize information.

___ I wrote to critique, persuade, or interpret evidence selectively and appropriately.

___ other _____

IDENTIFYING MY USE OF LANGUAGE

4. a I used a language other than English in this (publishing) stage for writing my paper (*check one*).

_____ 1. **Yes**, true of me

_____ 2. **No**, not true of me

_____ 3. Don't know

4. b **If yes**, please give details.

DEVELOPING AS A LEGAL WRITER

5. Please describe how the strategies you used in this (publishing) stage are helping you develop competency as an L2 legal writer.

6. Please describe how rewriting a research paper for publication in U.S. law school context is similar to or different from rewriting a research paper for publication in your home university or law school.

<p><i>Thank you for participating in this study.</i></p>
--

Student's code name: _____

Appendix D

Date: _____

INTERVIEW PROTOCOL (IP)

Purpose: Triangulation and exploration of student perceptions, meanings, and interpretations of strategic competence in scholarly legal writing

Project title: *Strategic competence for professional proficiency in scholarly second language (L2) legal writing: A mixed methods study*

Brief description of the project: The *research purpose* is to disclose dynamic factors that contribute to strategic competence for professional proficiency (or higher) in scholarly L2 legal writing.

Time recorded interview begins: _____ ends: _____

Date: _____

Place: law school

Interviewer: Donna Bain Butler

Interviewee: _____

Position of interviewee: Advanced English, Master of Laws (LL.M.) student

Two questions will be asked after student fills out questionnaire for each stage of writing (stages 1, 2, 3.a, 4). The first is a closed-ended question that asks student about effective writing strategies (using the strategic competence questionnaire to stimulate recall). The second is an open-ended question that probes student's response to # 1:

1. Thank you for filling out the questionnaire. Can you please tell me which strategies helped you the most for

<i>Stage</i>	<i>#</i>	<i>Check</i>
preparing to write?	1	
drafting?	2	
revising?	3a	
<i>proficiency/instruction</i>	<i>3b</i>	<i>below</i>
rewriting for publication?	4	

2. That's interesting...Can you tell me more? (*researcher probes*)

Two questions will also be asked after student completes questionnaire section 3b:

1. Let's review your perceptions of writing strategies instruction (*questionnaire*). I'd like you to tell me more about your experience learning scholarly legal writing.

2. Now let's look at the proficiency checklist. How do you think you have been building proficiency or expertise in legal writing over time, since taking my course?

Student's code name: _____

Appendix E

Date: _____

STUDENT'S QUALITY ASSESSMENT TOOL (SQAT) STAGE 1

PRE-DRAFTING CHECKLIST FOR STUDENTS

Check what you have done to prepare for writing your first draft in L2 English:

- ____ 1. I have started with what I already know and think.
- ____ 2. I have defined a suitable topic that is interesting and authentic to my experience.
- ____ 3. I have explained why this topic is important (at this time, to this audience).
- ____ 4. I have identified my purpose for legal research writing (based on Ramsfield, 2005)
 - To synthesize a body of law not yet pulled together
 - To criticize or support a recent opinion
 - To expand a field of knowledge by offering a new direction for a specific area of law
 - To dismiss another article by criticizing a theory or argument made by another scholar
 - To foreshadow or predict developments in the law
 - To suggest changes in the status quo of the law
 - To make sense out of a confusing array of issues
 - To propose a plan of action on a legal issue
- ____ 5. I have narrowed my legal topic (e.g., by brainstorming within context or with my professor).
- ____ 6. I have formulated research question(s) to reflect what I think about my legal topic.
- ____ 7. I have a point of view or opinion on the topic; I know what I want to say about the topic; or I know how I see or think about the topic.
- ____ 8. I have identified the type of research paper I want to write (e.g., an *analytical* paper that explores or fleshes out an unresolved legal topic or a *persuasive* paper that takes a stand on a legal issue and uses evidence to back-up my stance).
- ____ 9. I have formulated a **working thesis**.
- ____ 10. I have found primary and secondary sources to support my working thesis.
- ____ 11. I have read through all my sources.
- ____ 12. I have evaluated my sources.
- ____ 13. I have taken notes in English on my sources (e.g., annotated, research journal).
- ____ 14. I have made a working bibliography of my sources.
- ____ 15. I have organized my legal research into a **working outline**.
- ____ 16. I have decided on my approach (e.g., descriptive, analytical, comparative, critical)
- ____ 17. I feel prepared to write draft #1 (that is, to synthesize and integrate my legal sources into an essay format for a “paper”).

TEACHER'S QUALITY ASSESSMENT (TQAT) STAGE 1

PRE-DRAFTING EXTERNAL CONTROL FOR TEACHER-RESEARCHER

Check what student has done to prepare for writing the first draft in L2 English: that is,

- ___ 1. started with what (s)he already knows and thinks.
- ___ 2. defined a suitable topic that is interesting and authentic to student's experience.
- ___ 3. explained why this topic is important (at this time, to this audience).
- ___ 4. identified the purpose for legal research writing (based on Ramsfield, 2005)
 - To synthesize a body of law not yet pulled together
 - To criticize or support a recent opinion
 - To expand a field of knowledge by offering a new direction for a specific area of law
 - To dismiss another article by criticizing a theory or argument made by another scholar
 - To foreshadow or predict developments in the law
 - To suggest changes in the status quo of the law
 - To make sense out of a confusing array of issues
 - To propose a plan of action on a legal issue
- ___ 5. narrowed his/her legal topic (e.g., by brainstorming within context or with law professor).
- ___ 6. formulated research question(s) to reflect what student thinks about legal topic.
- ___ 7. stated a point of view or opinion on the topic; knows what (s)he wants to say about the topic; or knows how (s)he sees or thinks about the topic.
- ___ 8. identified the type of research paper (s)he wants to write (e.g., an *analytical* paper that explores or fleshes out an unresolved legal topic or a *persuasive* paper that takes a stand on a legal issue and uses evidence to back-up the student's stance).
- ___ 9. formulated a **working thesis**.
- ___ 10. found primary and secondary sources to support his/her working thesis.
- ___ 11. read through all his/her sources.
- ___ 12. evaluated those sources.
- ___ 13. taken notes in English on the sources (e.g., annotated, research journal).
- ___ 14. made a working bibliography of the sources.
- ___ 15. organized the legal research into a **working outline**.
- ___ 16. decided on an approach (e.g., descriptive, analytical, comparative, critical)
- ___ 17. seems prepared to write draft #1 (that is, to synthesize and integrate legal sources into an essay format for a "paper").

Student's code name: _____

Appendix E

Date: _____

STUDENT'S QUALITY ASSESSMENT TOOL (SQAT) STAGE 2

*OUTLINE→DRAFTING CHECKLIST FOR SEMINAR PAPERS AND LAW REVIEW ARTICLES

Topic: _____ Full bibliography attached: YES___ NO___

Introduction (This section prepares your reader for purpose of your paper. Can be written in full only after the research draft is complete.)

- ___ 1. I have introduced and noted why topic is important.
- ___ 2. I have briefly summarized necessary background information.
- ___ 3. I have stated my thesis: an original and supportable proposition about the subject; problem+solution; "one new point, one new insight, one new way of looking at piece of law"
- ___ 4. I have conveyed my organization of the paper.

Background (This section prepares your reader for analysis with historical issues and context for why topic is important. You can write this part first but you must revise after Discussion section is complete.)

- ___ 1. I have described the genesis (origin) of the subject.
- ___ 2. I have described the changes that have occurred during its development.
- ___ 3. I have explained the reasons for the changes.
- ___ 4. I have described where things are now. (You may also want to indicate the reasons for further change- focus/paper)

Comment is an analysis of controversy-law vs. Casenote that focuses on judicial opinion: 1. Include the relevant facts. 2. Include the procedural history. 3. Include the court's holding and reasoning at each level, as well as the reasoning of dissenting or concurring opinions (based on Fajans & Falk, 2000).

FOCAL POINT**Analytical Discussion:** (This section gives your original analysis of the subject matter; may consist of both a critique of existing approaches and a proposed solution. Re-introduces thesis or focus; provides brief background summary; provides analysis with support in each paragraph, for each issue, in each sub-section.)**Large-scale organization**

- ___ A. I have discussed the major issues.
- ___ B. I have separated issues and sub-issues (with Headings and Sub-headings).
- ___ C. I have ordered issues logically (e.g. A-1, A-2/ B-1, B-2, B-3/ C-1, C-2).

Small-scale organization

- ___ 1. I have introduced and concluded on each issue.
- ___ 2. I have presented my argument and rebutted opposing arguments.
- ___ 3. I have very clear organizational paradigms (patterns) where appropriate (e.g., problem-solution—most common, cause and effect, comparative pattern.)

Conclusion

- ___ 1. I have restated my thesis without being obviously redundant.
- ___ 2. I have summarized the major points I want my legal reader to remember, to reflect upon.
- ___ 3. I have made some recommendations if appropriate.

TEACHER'S QUALITY ASSESSMENT TOOL (TQAT) STAGE 2

*OUTLINE→DRAFTING EXTERNAL CONTROL MEASURE FOR SCHOLARLY LEGAL WRITING

Topic: _____ Full bibliography attached: YES___ NO___

Introduction (This section prepares reader for purpose of your paper. Can be written in full only after the research draft is complete.)

- ___ 1. Student has introduced and noted why topic is important.
- ___ 2. Student has briefly summarized necessary background information.
- ___ 3. Student has stated thesis: an original and supportable proposition about the subject; problem+ solution; “one new point, one new insight, one new way of looking at piece of law” R. Delgado.
- ___ 4. Student has conveyed organization of the paper.

Background (This section prepares reader for analysis with historical issues and context for why topic is important. Can write this part first but must revise after Discussion section is complete.)

- ___ 1. Student has described the genesis (origin) of the subject.
- ___ 2. Student has described the changes that have occurred during its development.
- ___ 3. Student has explained the reasons for the changes.
- ___ 4. Student has described where things are now. (May also want to indicate the reasons for further change- focus/paper)

Statement of the Case (casenote: focuses on one judicial opinion vs. comment: analysis of controversy-law)

1. Include the relevant facts. 2. Include the procedural history. 3. Include the court's holding and reasoning at each level, as well as the reasoning of dissenting or concurring opinions (based on Fajans & Falk, 2000)

FOCAL POINT

Analytical Discussion: (This section gives original analysis of the subject matter; may consist of both a critique of existing approaches and a proposed solution. Re-introduces thesis or focus; provides brief background summary; provides analysis with support in each paragraph, for each issue, in each sub-section.)

Large-scale organization

- ___ A. Student has discussed the major issues.
- ___ B. Student has separated issues and sub-issues (with Headings/Sub-headings).
- ___ C. Student has ordered issues logically (e.g. A-1, A-2/ B-1, B-2, B-3/ C-1, C-2).

Small-scale organization

- ___ 1. Student has introduced and concluded on each issue.
- ___ 2. Student has presented argument and rebutted opposing arguments.
- ___ 3. Student has very clear organizational paradigms (patterns) where appropriate (e.g., problem-solution—most common, cause and effect, comparative pattern.)

Conclusion

- ___ 1. Student has restated thesis without being obviously redundant.
- ___ 2. Student has summarized the major points for legal reader to remember, to reflect.
- ___ 3. Student has made some recommendations if appropriate.

**Note: A good outline asserts student's ideas, usually in full (if unpolished) sentences*

Student's code name: _____

Appendix E

Date: _____

STUDENT'S QUALITY ASSESSMENT TOOL (SQAT) STAGE 3.a

FOR STUDENTS TO END REVISING PROCESS (based on Ramsfield, 2005)

Title: _____

- | <u>1. Audience</u> | Check |
|--|--------------|
| Does paper include all information needed by your specific audience? | _____ |
| Does paper account for your readers' background knowledge? | _____ |
|
 | |
| <u>2. Purpose</u> | |
| Is your overall purpose evident throughout the paper? | _____ |
| Does it relate directly to a precise and explicit thesis statement or claim? | _____ |
| Is your paper original, analytical, and creative—not just descriptive? | _____ |
| Is the purpose explained early enough to satisfy the reader? | _____ |
| Is your point of view made clear in the Introduction? | _____ |
| Do you say if it is primarily persuasive or informative or something else? | _____ |
|
 | |
| <u>3. Content</u> | |
| Is thesis statement supported by enough research to be useful to reader? | _____ |
| Have all legal materials been accurately synthesized? | _____ |
| Do all parts of the paper support the thesis? | _____ |
| Has extraneous or unhelpful material been deleted? | _____ |
| Are all relevant views on topic presented accurately? | _____ |
| Do <u>footnotes</u> function properly? e.g., Do they do one of the following: | _____ |
| <ul style="list-style-type: none"> • cite authority for all unoriginal propositions; • expand on one authority by offering other, related sources where appropriate; • add detail, explanation, or definitions needed by the uninitiated reader; • add detail for the reader using the paper as a scholarly tool; or • give the text of a statute, regulation, quote, or specific source being discussed? | |
|
 | |
| <u>4. Organization</u> | |
| A. Does the structure flow from the substance? | _____ |
|
 | |
| i. Are the parts of the whole congruent with some logical rationale? e.g., | _____ |
| <ul style="list-style-type: none"> • parts used in previous cases, • parts used in a statute, • parts used in other legal documents, • parts of an overall process, or • different causes of one effect? | |
| ii. Is the paper's organization consistent and unified throughout the document? | _____ |
|
 | |
| iii. Is each section internally logical? | _____ |
| <ul style="list-style-type: none"> • Do paragraphs within each section connect to each other? | |

- Is each paragraph logically structured, whether deductively, inductively, or some other pattern?
- Are sentences organized logically, e.g., less important ideas are subordinated, main ideas are independent clauses, and PARALLEL STRUCTURE are used to present like ideas?

B. Is the structure obvious to any reader? _____

- Will any reader, at any point, not understand the writer?
- Does the Introduction present a roadmap or blueprint for the paper?
- Is each section's relationship to the thesis statement or claim clearly reflected by its order in the organization?
- Is the paper written in layers, using headings, footnotes, or paragraph blocks so that the reader can easily identify each part's role in the whole?

5. Clarity

Will the reader, at any point, not misunderstand the content? _____

Is the phrasing clear? _____

- Is word choice precise?
- Is plain English used, but jargon and legalese omitted?
- Do the subject-verb clauses carry your message, remind the reader of the thesis?

Is the text readable? _____

- Is there only one main point per sentence?
- Are topic sentences generally the first sentences of the paragraphs?
- Are subjects and verbs close together?
- Is passive voice avoided unless needed?
- Are nominalizations minimized or avoided?

Does phrasing emphasize key points? _____

- Are key points made in positions of emphasis?
- Is repetition used effectively where appropriate?
- Does parallel structure reveal parallel ideas?
- Do short sentences make emphatic points or catch the reader's attention?

Do all wording changes flow together to create an eloquent whole? _____

- Do all emphatic techniques reinforce the content, rather than distract from it?
- Are any phrases or techniques overused, drawing attention to the phrase itself?
- Is emphasis focused on key points, not overused as a technique?

6. Mechanics

Is English grammar correct? _____

Is punctuation correct? _____

Are citations correct? _____

Have you proofread for wrong or overused words? _____

TEACHER'S QUALITY ASSESSMENT TOOL (TOAT) STAGE 3.a
 TEACHER'S EXTERNAL CONTROL MEASURE OF REVISING PROCESS (based on Ramsfield, 2005)

Title: _____

- | | Check |
|--|--------------|
| 1. <u>Audience</u> | |
| Does paper include all information needed by your specific audience? | _____ |
| Does paper account for your readers' background knowledge? | _____ |
| 2. <u>Purpose</u> | |
| Is the overall purpose evident throughout the paper? | _____ |
| Does it relate directly to a precise and explicit thesis statement or claim? | _____ |
| Is paper original, analytical, and creative—not just descriptive? | _____ |
| Is the purpose explained early enough to satisfy the reader? | _____ |
| Is the point of view made clear in the Introduction? | _____ |
| Do you say if it is primarily persuasive or informative or something else? | _____ |
| 3. <u>Content</u> | |
| Is thesis statement supported by enough research to be useful to reader? | _____ |
| Have all legal materials been accurately synthesized? | _____ |
| Do all parts of the paper support the thesis? | _____ |
| Has extraneous or unhelpful material been deleted? | _____ |
| Are all relevant views on topic presented accurately? | _____ |
| Do <u>footnotes</u> function properly? e.g., Do they do one of the following: | _____ |
| • cite authority for all unoriginal propositions; | |
| • expand on one authority by offering other, related sources where appropriate; | |
| • add detail, explanation, or definitions needed by the uninitiated reader; | |
| • add detail for the reader using the paper as a scholarly tool; or | |
| • give the text of a statute, regulation, quote, or specific source being discussed? | |
| 4. <u>Organization</u> | |
| A. Does the structure flow from the substance? | _____ |
| i. Are the parts of the whole congruent with some logical rationale? e.g., | _____ |
| • parts used in previous cases, | |
| • parts used in a statute, | |
| • parts used in other legal documents, | |
| • parts of an overall process, or | |
| • different causes of one effect? | |
| ii. Is the paper's organization consistent and unified throughout the document? | _____ |
| iii. Is each section internally logical? | _____ |
| • Do paragraphs within each section connect to each other? | |

- Is each paragraph logically structured, whether deductively, inductively, or some other pattern?
- Are sentences organized logically, e.g., less important ideas are subordinated, main ideas are independent clauses, and PARALLEL STRUCTURE are used to present like ideas?

B. Is the structure obvious to any reader? _____

- Will any reader, at any point, not understand the writer?
- Does the Introduction present a roadmap or blueprint for the paper?
- Is each section's relationship to the thesis statement or claim clearly reflected by its order in the organization?
- Is the paper written in layers, using headings, footnotes, or paragraph blocks so that the reader can easily identify each part's role in the whole?

5. Clarity

Will the reader, at any point, not misunderstand the content? _____

Is the phrasing clear? _____

- Is word choice precise?
- Is plain English used, but jargon and legalese omitted?
- Do the subject-verb clauses carry your message, remind the reader of the thesis?

Is the text readable? _____

- Is there only one main point per sentence?
- Are topic sentences generally the first sentences of the paragraphs?
- Are subjects and verbs close together?
- Is passive voice avoided unless needed?
- Are nominalizations minimized or avoided?

Does phrasing emphasize key points? _____

- Are key points made in positions of emphasis?
- Is repetition used effectively where appropriate?
- Does parallel structure reveal parallel ideas?
- Do short sentences make emphatic points or catch the reader's attention?

Do all wording changes flow together to create an eloquent whole? _____

- Do all emphatic techniques reinforce the content, rather than distract from it?
- Are any phrases or techniques overused, drawing attention to the phrase itself?
- Is emphasis focused on key points, not overused as a technique?

6. Mechanics

Is English grammar correct? _____

Is punctuation correct? _____

Are citations correct? _____

Have you proofread for wrong or overused words? _____

Student's code name: _____

Appendix E

Date: _____

STUDENT'S QUALITY ASSESSMENT TOOL (SQAT) STAGE 3.b**STUDENT'S SELF-REPORT ON PROFICIENCY AND INSTRUCTION**

Title: _____

1. **Yes, very much** improved
2. **Yes, somewhat** improved
3. **No**, not improved
4. Don't know

Check how you may have improved as a scholarly legal writer, spring/fall, 2008 (*all that apply*).

Area of Writing	Improvement
Increase in fluency	_____
Increase in grammatical accuracy	_____
Clearer expression of original thinking	_____
Clearer expression of critical voice	_____
More detail	_____
More depth of legal content	_____
More efficient legal writing process	_____
More effective legal writing product	_____
More effective use of writing strategies	_____
Increase in confidence	_____
Increase in motivation	_____
Increase in knowledge of scholarly writing conventions	_____
Better ability to revise in response to feedback	_____
Increase in ability to self-edit	_____
Stronger professional identity	_____
<i>Other</i> _____	_____

<u>Student Comment:</u>	

TEACHER'S QUALITY ASSESSMENT TOOL (TQAT) STAGE 3.b

TEACHER OBSERVATION ON PROFICIENCY AND INSTRUCTION

Title: _____

1. **Yes, very much** improved
2. **Yes, somewhat** improved
3. **No**, not improved
4. Don't know

Check how you may have improved as a scholarly legal writer spring/fall, 2008 (all that apply).

Area of Writing	Improvement
Increase in fluency	_____
Increase in grammatical accuracy	_____
Clearer expression of original thinking	_____
Clearer expression of critical voice	_____
More detail	_____
More depth of legal content	_____
More efficient legal writing process	_____
More effective legal writing product	_____
More effective use of writing strategies	_____
Increase in confidence	_____
Increase in motivation	_____
Increase in knowledge of scholarly writing conventions	_____
Better ability to revise in response to feedback	_____
Increase in ability to self-edit	_____
Stronger professional identity	_____
<i>Other</i> _____	

Student's code name: _____

Appendix E

Date: _____

STUDENT'S QUALITY ASSESSMENT TOOL (SQAT) STAGE 4

CHECKLIST FOR WHAT MAKES A PAPER PUBLISHABLE

Title: _____

Assessment criteria for scholarly second language (L2) legal writing

My paper is	Yes	No	Somewhat
Original			
Comprehensive			
Correct in language use			
Correct in wording			
Clear			
Readable			
Logical in large-scale organization—major issues, sub-issues			
Logical in small-scale organization—individual issues			
Concise—according to law journal specifications			
Socially/culturally appropriate—with extensive use of footnotes			

Additional comment:

TEACHER'S QUALITY ASSESSMENT TOOL (TQAT) STAGE 4

CHECKLIST FOR WHAT MAKES A PAPER PUBLISHABLE

Title: _____

Assessment criteria for scholarly second language (L2) legal writing

Student's paper is	Yes	No	Somewhat
Original			
Comprehensive			
Correct in language use			
Correct in wording			
Clear			
Readable			
Logical in large-scale organization—major issues, sub-issues			
Logical in small-scale organization—individual issues			
Concise—according to law journal specifications			
Socially/culturally appropriate—with extensive use of footnotes			

Additional comment:

Appendix F

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Scholarly Writing for Law Students (Fajans & Falk, 2005).

Model Useful for Teaching

THE PROCESS OF SCHOLARLY WRITING						
WRITER-CENTERED → READER-CENTERED						
STAGE	PREWRITING: READING, NOTETAKING & THINKING			WRITING AS LEARNING		WRITING AS COMMUNICATION
PURPOSE	1 FINDING A TOPIC	2 NARROWING THE TOPIC	3 CREATING A THESIS	4 GETTING STARTED	5 WRITING DRAFTS	6 REVISING AND POLISHING

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